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Executive Orders

EXECUTIVE ORDER JML 24-04

State of Emergency—Winter Weather
January 12, 2024

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service is monitoring a winter mix to impact the State Sunday into Monday that will mainly impact the State's northern areas. Wind chills in the teens to near zero are expected for central/northern Louisiana on Monday through Wednesday;

WHEREAS, the National Weather Service further anticipates that temperatures will plummet Monday, with dangerous wind chills on Tuesday and Wednesday will be felt state-wide, and:

WHEREAS, parishes state-wide may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana due to the freezing temperatures and dangerous wind chills.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, et seq.) and Louisiana Public Bid Law (R.S. 38:2211, et seq.) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This Order is effective upon signature and shall continue in effect from Friday, January 12, 2024 until Friday, February 9, 2024, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 12th day of January, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#001

EXECUTIVE ORDER JML 24-05

Identifying, Quantifying, and Mitigating the
Adverse Effects of Illegal Immigration on Louisiana

WHEREAS, the United States, as every other nation, has the sovereign right to determine the number and character of aliens permitted to cross its border and the time, place, and manner of their entry.

WHEREAS, consistent with this timeless principle, Congress has exercised its constitutional authority to enact laws to prevent the entry of aliens without lawful authorization to protect the health, safety, welfare, and prosperity of Americans.

WHEREAS, illegal entry and reentry to the United States, as well as the encouragement and inducement of illegal entry and the transport of illegal aliens within the United States, are criminal offenses under federal law, and those who aid and abet these offenses also commit a criminal act.

WHEREAS, the Biden Administration, since its inception, has failed to prevent the illicit entry of aliens and has, furthermore, enacted policies designed to undermine the rule of law and encourage and induce the illegal entry of historic numbers of aliens contrary to law.

WHEREAS, President Joe Biden has thus failed to fulfill his constitutional duties to preserve, protect, and

defend the Constitution to the best of his ability and take care that the laws be faithfully executed.

WHEREAS, the Biden Administration has systematically dismantled every institution provided by Congress and established by previous administrations to prevent illegal immigration, thereby aiding and abetting the illegal entry into the United States of millions of aliens at the southern border.

WHEREAS, from January 20, 2021, to the present, the Biden Administration has overseen the largest wave of illegal immigration in this Nation's history, with more than 3.8 million aliens illegally entering and remaining in the United States.

WHEREAS, Congressional reporting estimates that the border crisis created by the Biden Administration costs American taxpayers approximately \$451 billion annually.

WHEREAS, the Biden Administration's abandonment of any semblance of border security and immigration enforcement has created historic public safety and humanitarian crises affecting states in the southern border region and beyond.

WHEREAS, the United States Supreme Court has recognized that States "bear[] many of the consequences of unlawful immigration." *Arizona v. United States*, 567 U.S. 387, 397 (2012).

WHEREAS, Congressional reporting estimates the illegal alien population in the United States is between 16.8 million and 29 million persons.

WHEREAS, the population of illegal aliens in Louisiana was estimated at 97,000 as of 2021, although the current number is likely far greater.

WHEREAS, the overwhelming majority of crimes perpetrated by illegal aliens are for violations of state law, which require substantial state and local resources to investigate, prosecute, adjudicate, incarcerate, and supervise criminal offenders.

WHEREAS, as a result of the Biden Administration's non-enforcement policies, large numbers of criminal aliens are released into communities across the United States rather than being detained or removed, allowing these criminal aliens to commit additional crimes and increase the number of victims.

WHEREAS, Congressional reporting found that the Biden Administration has abandoned its duty to remove criminal aliens from the United States, resulting in approximately 90,000 more criminal aliens, who are responsible for 300,000 criminal offenses, remaining in American communities than in the Trump Administration.

WHEREAS, states are financially burdened by the cost of incarcerating illegal aliens in their prison systems. Although the U.S. Department of Justice provides limited funding to the states to offset some of these costs through the State Criminal Alien Assistance Program (SCAAP), including \$244 million to states in fiscal year 2022, congressional reporting found that SCAAP reimbursements are usually less than one percent of the total cost of incarcerating illegal aliens, leaving the states to pay the balance.

WHEREAS, the destabilization of the southern border region due to the Biden Administration's failure to secure the border has led to a surge in fentanyl smuggling into the United States by Mexican drug cartels. Fentanyl poisoning is

now the leading cause of death for Americans between the ages of 18-45. More than 72,000 persons died as a result of fentanyl overdoses in 2022, an increase from the previous year. Congressional reporting found that the opioid crisis cost American taxpayers nearly \$1.5 trillion in 2020.

WHEREAS, Congressional reporting found that the approximate cost for illegal alien births in the United States costs taxpayers \$2.53 billion, with states responsible for \$937 million of that amount.

WHEREAS, Congressional reporting found that the estimated cost of Medicaid fraud attributable to illegal aliens in fiscal year 2022 was \$8 billion.

WHEREAS, more than 400,000 unaccompanied alien children (UAC) have entered the United States since January 20, 2021, many of whom have been the victims of human smuggling or trafficking. Federal officials in the Biden Administration released approximately 337,000 UACs to sponsors throughout the United States between fiscal years 2021 – 2023.

WHEREAS, the Biden Administration changed longstanding policies on vetting UAC sponsors, resulting in UACs being placed with non-family members and criminals, who trafficked, abused, and exploited the children placed in their care. Media reports from 2023 found that the Biden Administration had lost track of approximately 85,000 UACs.

WHEREAS, it is unclear how many UACs now reside in Louisiana who may be at risk of being trafficked, abused, or exploited after initially being placed with sponsors who had not been properly vetted by federal officials in the Biden Administration. The significant increase in the number of UACs placed with unvetted sponsors in Louisiana, who may be at greater risk of abuse or neglect, will place additional strains on the limited resources of the Department of Children and Family Services and other state agencies that provide welfare services and care for children.

WHEREAS, Congressional reporting estimates that at least 3.8 million illegal alien children at primary and secondary schools in the United States qualify as Limited English Proficiency (LEP) students, costing American taxpayers nearly \$59 billion. Those illegal alien children who entered in 2022 alone represent a \$7 billion burden on public education budgets. Louisiana spends more than \$10,000 per student at public primary and secondary schools.

WHEREAS, Louisiana has a compelling interest in preventing crime, promoting the health, safety, and education of its citizens, protecting children from abuse and exploitation, and conserving the financial resources of the State.

WHEREAS, illegal immigration causes substantial economic and societal harms to Louisiana and its citizens, including greater expenditures of non-reimbursable public funds in the areas of criminal justice, healthcare, education, welfare benefits and subsidized housing, and child protective services.

WHEREAS, the Louisiana Attorney General, along with attorneys general of several other states harmed by the adverse effects of unrestrained illegal immigration have filed numerous lawsuits against the Biden Administration and its agencies to end the illegality and prevent further harm to the states and their citizens.

WHEREAS, the United States Supreme Court and inferior federal courts have held that the states must establish, among other elements, that they have suffered a concrete, particularized, and actual or imminent injury in fact, that is fairly traceable to the unlawful conduct of the federal officials to satisfy the “case or controversy” requirement of Article III of the Constitution of the United States.

WHEREAS, Biden Administration officials routinely deny that their unlawful conduct or illegal immigration causes harm, and federal courts have generally required Louisiana and other states to offer proof that illegal immigrants are causing specific harms to those states or their citizens.

WHEREAS, because federal officials within the Biden Administration refuse requests by states to provide relevant information within their custody and control regarding the number and location of illegal immigrants and other crucial data concerning border security, the full nature and extent of the harms to Louisiana and its citizens as the result of illegal immigration have not been determined with a reasonable degree of accuracy.

WHEREAS, the refusal by federal officials to cooperate with the states in sharing information regarding their mutual interest in illegal immigration violates constitutional principles of federalism and statutory mandates on federal officials to respond in good faith to requests by states to provide information.

WHEREAS, the lack of transparency and failure by federal officials to provide crucial information on illegal immigrants in Louisiana, including their biographic information, relevant details from their immigration history, criminal background, and last known residence presents an unreasonable risk to Louisiana and its citizens.

WHEREAS, Article I, Section 1 of the Louisiana Constitution declares that government is instituted by the people “to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people.”

WHEREAS, in furtherance of my duty to faithfully support the Constitution and laws of this State and the Constitution and laws of the United States, and to see that the laws are faithfully executed pursuant to Article IV, Section 5(A) of the Louisiana Constitution, it is and shall be my policy as Governor to take all lawful and reasonable measures to identify, quantify, and mitigate the direct and indirect harms to Louisiana and its citizens caused by illegal immigration.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The head of every executive branch agency, department, office, commission, board, or entity of the State of Louisiana shall, to the greatest extent authorized by law, consider the effects of illegal immigration on their respective agency, department, office, commission, board, or entity prior to issuing policies, procedures, and practices, and shall develop policies, procedures, practices, and methods to collect and analyze data that relates to the provision of public services or the expenditure of public

funds directly or indirectly to, or for the benefit of illegal aliens.

Section 2: Within 60 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall conduct a review of their existing policies, procedures, and practices to ensure that they are consistent with the provisions of Section 1.

Section 3: Within 120 days of the date of this Order, the head of every executive branch state agency, department, office, commission, board, or entity of the State of Louisiana shall provide a written report to the Office of the Governor, stating the duties and responsibilities of such agency, department, office, commission, board, or entity relative to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens, which reports shall contain one or more recommendations for collecting and analyzing data related to the provision of public services or expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Section 4: Within 90 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and other law enforcement agencies, shall jointly develop policies, procedures, practices, and methods to collect and analyze data, and report to the Office of the Governor on a monthly basis the number of aliens, in comparison with the total number of persons charged or convicted of a criminal offense, which reports shall include information regarding the citizenship or nationality and immigration status of the alien, whether the alien is lawfully or unlawfully present in the United States, the specific offense(s) for which the alien was charged or convicted, the alien’s criminal history, any known or suspected gang affiliation, and the jurisdiction of arrest and/or conviction. In order to determine the citizenship or immigration status of an alien charged or convicted of a criminal offense, the Commissioner or Superintendent, or their designee, shall make a documented request for that information from the U.S. Department of Homeland Security pursuant to the provisions of 8 U.S.C. §§ 1373(c), 1644, 1226(d), and 1357(g)(10), which provisions require the Department of Homeland Security to provide assistance regarding the citizenship or immigration status of any person within the jurisdiction of the Department of Public Safety or Louisiana State Police, including reporting knowledge that a particular alien is not lawfully present in the United States.

Section 5: Within 180 days of the date of this Order, the Commissioner of the Department of Public Safety and Corrections and the Superintendent of the Louisiana State Police, utilizing the resources and expertise of the Bureau of Criminal Identification and Information and in consultation with sheriffs and local law enforcement agencies, shall jointly develop a method to regularly publish on one or more publicly accessible websites the data collected pursuant to Section 4 regarding criminal arrests and convictions of illegal aliens, which reports shall include information regarding the citizenship or nationality of the illegal alien, the specific offense(s) for which the alien was arrested,

charged, or convicted, the criminal history of the illegal alien, any sentencing information, and the jurisdiction of arrest and/or conviction. Such information shall be disclosed with due consideration for the greatest degree of transparency, while consistent with applicable privacy laws. Such website(s) shall be regularly and timely updated with the most current information regarding illegal alien arrests and convictions.

Section 6: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana shall promptly respond to requests for information by the Louisiana Attorney General or her designee concerning matters of illegal immigration that are or may become the subject of litigation involving the State.

Section 7: For purposes of this Order and consistent with the definition adopted by the United States Court of Appeals for the Fifth Circuit, the term “illegal alien” is an “alien” described in 8 U.S.C. § 1101(a)(3), who is present in the United States without lawful immigration status and therefore subject to removal pursuant to federal law. *See Texas v. U.S.*, 809 F.3d 134, n.14 (5th Cir. 2015). An alien granted parole under 8 U.S.C. § 1182(d)(5), temporary protected status, deferred action, deferred enforced departure, or similar exercise of administrative grace or prosecutorial discretion shall not be deemed to have lawful immigration status.

Section 8: The term “unaccompanied alien child” has the meaning set forth in 6 U.S.C. § 279(g) (2).

Section 9: All executive branch state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 10: This Order is effective upon my signature and shall remain in effect until amended, modified, terminated, or rescinded.

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 12th day of January, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#002

EXECUTIVE ORDER JML 24-06

Renewal of State of Emergency—Threat of Subsidence,
Subsurface Instability, and Presence of Hydrocarbons
in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 160 JBE 2023.

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to

declare a state of emergency by executive order or proclamation, or both.

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023.

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern.

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern’s integrity.

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

NOW THEREFORE I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Wednesday, January 17, 2024 to Friday, February 16, 2024, unless amended, modified, or terminated sooner.

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 17th day of January, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#003

EXECUTIVE ORDER JML 24-07

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana.

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021.

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency.

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes.

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through Proclamation Number 235 JBE 2023, which ends on January 24, 2024.

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake

any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Wednesday, January 17, 2024 to Friday, February 16, 2024, unless amended, modified, or terminated sooner.

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 17th day of January 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#004

EXECUTIVE ORDER JML 24-08

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, pursuant to La. R.S. 29:724(B)(1), Governor Jon Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to La. R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this

event and are further directed to comply with the requirements of the Database Security Breach Notification Law, La. R.S. 51:3071 *et seq.*

Section 7: Pursuant to La. R.S. 29:724(D)(1), the Louisiana Procurement Code (La. R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (La. R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Tuesday, January 23, 2024 to Tuesday, February 22, 2024, unless terminated sooner.

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 23rd day of January, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#005

EXECUTIVE ORDER JML 24-09

Louisiana Statewide Independent Living Council

WHEREAS, the State of Louisiana remains committed to promoting a philosophy of independent living in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities.

WHEREAS, the State of Louisiana also promotes the integration and full inclusion of individuals with disabilities into the mainstream of Louisiana's communities.

WHEREAS, the Federal Rehabilitation Act of 1973, as amended, specifically, 29 U.S.C. § 796, was enacted to promote independent living by,

A. Providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

B. Providing financial assistance to develop and support statewide networks of centers for independent living; and

C. Providing financial assistance to states for improving working relationships among independent living partners;

WHEREAS, to be eligible to receive financial assistance under this chapter, each state must establish a Statewide Independent Living Council (hereinafter referred to as "SILC" or "Council");

WHEREAS, reestablishment of this Council at this time is necessary to ensure compliance with current requirements under federal law and to further strengthen working relationships among the Council and entities providing services to individuals with disabilities, centers for independent living, and other programs; and

WHEREAS, the Governor recognizes the Statewide Independent Living Council as an autonomous, independent non-profit that performs a vital service to the citizens of the

State of Louisiana, to work in cooperation with the state and federal government, in keeping with the requirements of the Rehabilitation Act of 1973, Chapter I Title VII, 29 U.S.C. § 796, *et seq.*

NOW THEREFORE, I, JEFF LANDRY, 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: The State of Louisiana's Statewide Independent Living Council (hereafter "Council") is reestablished, recreated, and recognized by the Governor, in accordance with 29 U.S.C. § 796d. This Order does not remove those members who are currently serving on the Council pursuant to a valid appointment.

Section 2: The duties of the Council shall include, but are not limited to, the following:

A. Jointly develop and sign (in conjunction with Louisiana Workforce Commission/Louisiana Rehabilitation Services) the State Plan for Independent Living, as described by 29 U.S.C. § 796c;

B. Monitor, review, and evaluate the implementation of the State plan;

C. Meet regularly and ensure that such meetings of the council are open to the public and sufficient advance notice of such meetings is provided;

D. Submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports, and;

E. As appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

Section 3: The Council shall be composed of twelve (12) to twenty-four (24) members who shall be appointed by the Governor. Membership shall be composed of at least a majority of individuals with disabilities, pursuant to 29 U.S.C. § 796d.

A. The membership of the Council shall include four members meeting the following membership criteria:

i. At least one (1) director of a center for independent living, nominated by the directors of centers for independent living within the state.

ii. At least two (2) members serving as *ex officio*, non-voting members: (1) one representative from Louisiana Rehabilitation Services (the designated state unit); and 2) one representative from other state agencies that provide services for individuals with disabilities.

B. The remaining members of the Council may include:

i. To provide equal representation from each Center for Independent Living ("CIL") and/or its Board of Directors, no more than two (2) representatives from any single CIL or its corresponding board;

ii. Parents and guardians of individuals with disabilities;

iii. Advocates of and for individuals with disabilities;

iv. Representatives from private business; and

v. Representatives from organizations that provide services for individuals with disabilities.

Section 4: The Council shall be composed of members who provide statewide representation, represent a broad range of individuals with disabilities from diverse backgrounds, and are knowledgeable about centers for independent living and independent living services. A majority of the voting members of the Council shall be individuals with disabilities, as described in 29 U.S.C. § 705(20)(B), and shall not be employed by any State agency or center for independent living.

Section 5: Council members shall serve a term of three (3) years, except members designated to fill a vacancy, who shall serve the remainder of the unexpired term. The Governor may allow a member currently serving on the Council to finish his or her term. No member shall serve more than two (2) consecutive full terms.

Section 6: The Council shall not be an entity within any state agency, including Louisiana Rehabilitation Services, and is independent of Louisiana Rehabilitation Services and all other state agencies.

Section 7: The Council shall supervise and evaluate its staff and personnel, as may be necessary to carry out the functions of the Council, in a manner consistent with the laws of Louisiana.

Section 8: The Council shall maintain its non-profit status in good standing.

Section 9: The Council shall report any changes to its bylaws regarding membership or appointments to the Governor for approval.

Section 10: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order. The following departments, commissions, boards, offices, entities, agencies and officers of the State of Louisiana are encouraged to provide reports to the SILC at regular meetings to foster a working relationship to better serve the disabled community statewide pursuant to the Council's mission and purpose:

A. Department of Transportation and Development

B. Louisiana Housing Corporation

C. Governor's Office of Homeland Security and Emergency Preparedness

D. Governor's Office of Elderly Affairs

E. Office of Adult and Aging Services

F. Office of Citizens with Developmental Disabilities

G. Secretary of State

H. The Louisiana Legislature

I. Louisiana Department of Health, Louisiana Medicaid

J. The Office of Behavioral Health

Section 11: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order.

Section 12: This Order supersedes prior Executive Orders Number 2016-14, and Number 2020-8, and those Orders are hereby rescinded, along with any other provisions

in any other prior orders which are incompatible with the provisions of this Order as set forth above.

Section 13: Any rules, orders, contracts, and agreements related to the Council lawfully in effect prior to the effective date of this order shall continue to be effective until revised, amended, or repealed.

Section 14: If any portion of this order is found to be unenforceable, the rest of the order shall remain in effect.

Section 15: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 23rd day of January 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#006

EXECUTIVE ORDER JML 24-10

Flags at Half-Staff—Representative Jimmy Long

WHEREAS, James Lucian “Jimmy” Long, a former distinguished member of the Louisiana House of Representatives, died on January 17, 2024;

WHEREAS, he was born May 29, 1946, to Jake and Marjorie Long and grew up in Farmerville;

WHEREAS, he graduated from Farmerville High School in 1964 and attended Louisiana Tech University;

WHEREAS, he married Phyllis Taunton and they had two daughters Rene’ and Dori; and

WHEREAS, he served as the Mayor of Farmerville from 1981-1984, as Louisiana State Representative from 1984-1988, and was the State Commissioner of LP Gas before going to work for Blue Cross and Blue Shield as a successful Insurance Agent in both Baton Rouge and Shreveport; and

WHEREAS, he was preceded in death by his parents, Jake and Marjorie Copeland Long; daughter, Dori Long Weaver; and brothers-in-law, Dr. Ralph Cooper and Chuck Acurio;

WHEREAS, he is survived by his wife of 57 years, Phyllis Taunton Long; daughter, Rene’ Long Auger (Kurt); grandchildren, Magen Auger Keys (Cody), Jake Auger (Jenny) and Brooks Auger. He is also survived by great-grandchildren Piper and Deacon Keys and Brooklynn Auger, as well as sisters Jeanette Long Cooper Wilbanks (Johnny) and Patti Long Acurio; and

WHEREAS, Jimmy Long’s service as a public servant and community leader to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JEFF LANDRY, 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 Jimmy Long, 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 January 24, 2024.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, January 24, 2024.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 23 day of January 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#007

EXECUTIVE ORDER JML 24-11

Actions to Mitigate the State’s Impending Fiscal Cliff

WHEREAS, on January 17, 2024, the Five Year Baseline Projection was presented to the Joint Legislative Committee on the Budget documenting the projected revenues based on the adopted Revenue Estimating Conference forecast and the projected expenditures for the current fiscal year and the ensuing four fiscal years.

WHEREAS, the Five Year Baseline Projection is commonly used to determine if the state is expected to have a surplus or deficit in future years.

WHEREAS, the Five Year Baseline Projection shows the incoming administration is facing a (\$64,770,901) deficit for Fiscal Year 2024-2025 for which it is responsible for preparing a balanced Governor’s Executive Budget by February 9, 2024.

WHEREAS, the Five Year Baseline Projection also shows a large deficit (commonly called a fiscal cliff) in Fiscal Year 2025-2026 of (\$558,784,913), growing to a deficit of (\$733,381,780) in Fiscal Year 2027-2028.

WHEREAS, the fiscal cliff in Fiscal Year 2025-2026 is caused by projected revenues decreasing by (3.47%) or (\$416,200,000) as compared to projected expenditures increasing by 0.65% or \$77,814,012.

WHEREAS, one month after taking office, the new administration will address the Fiscal Year 2024-2025 deficit of (\$64,770,901) in the Governor’s Executive Budget presented on February 9, 2024.

WHEREAS, it is advantageous to begin addressing the future fiscal cliffs as early as possible in order to provide a balanced budget for all ensuing fiscal years.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution do hereby order and direct as follows:

Section 1: Every department shall review the following areas through the end of the current fiscal year in order to identify savings that can be implemented in Fiscal Year 2024-2025 to begin preparing for the fiscal cliff in Fiscal Year 2025-2026:

A. Review expenditures planned for the remainder of the current fiscal year and identify opportunities for reductions. The savings identified in the current year will result in annualized savings in future fiscal years.

B. Evaluate contracts, especially those that are expiring, to determine if they are necessary to renew or if they can be reduced or terminated going forward.

C. Evaluate staffing and determine where funded vacancies can be eliminated.

D. Evaluate all large acquisitions to determine if there are more cost-effective alternatives or if the acquisition is necessary at all.

E. Review all programs that are not statutorily required to determine if they can be eliminated, reduced, or phased out.

F. Review all activities to identify areas of duplication within the department or across departments.

G. Determine any other discretionary State General Fund spending that can be reduced or eliminated.

H. Determine any other efficiencies that can be implemented to save State General Fund dollars or improve delivery of services without increasing costs.

Section 2: Each department's November 1, 2024 budget request shall include the savings identified in accordance with Section 1 of this Order.

Section 3: This Order is effective upon signature and shall remain in effect until November 2, 2024.

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 24th day of January, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#008

EXECUTIVE ORDER JML 24-12

Renewal of State of Emergency
Department of Transportation and Development

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and

manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, in Terrebonne Parish, the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac was determined, by recent inspection finding, to be in need of immediate replacement;

WHEREAS, the current deteriorated condition of the bridge warrants a low posting of three tons and reduction to single lane travel. Furthermore, there is no current alternate route;

WHEREAS, the Department of Transportation and Development intends to perform an emergency replacement of the bridge but, doing so requires a complete closure of the structure;

WHEREAS, the Terrebonne Levee and Conservation District owns sufficient property to provide a detour, bypass road while the emergency bridge replacement is ongoing and the Department of Transportation and Development has funds available and manpower to construct a detour road on the property of Terrebonne Levee and Conservation District to provide a bypass for the traveling public;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, Louisiana Revised Statute 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 48:757, a state of emergency is hereby declared in the vicinity of the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac, Terrebonne Parish for the limited purpose of authorizing the expenditure of state funds to construct the necessary bypass road on property of the Terrebonne Levee and Conservation District.

Section 3: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 4: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total

match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 5: This Order is effective upon signature and shall continue in effect from Monday, January 29, 2024 to Wednesday, February 28, 2024, unless terminated sooner.

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 29th day of January 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#009

EXECUTIVE ORDER JML 24-13

Consolidation of Natural Resources and Energy Related Executive Branch Functions, Powers, Duties, and Responsibilities

WHEREAS, La. Const. art. IV § 1, requires that all offices, agencies, and other instrumentalities of the executive branch along with their functions, powers, duties, and responsibilities not located within the office of governor or lieutenant governor shall be allocated according to function within not more than twenty (20) departments;

WHEREAS, since the adoption of the 1974 Louisiana Constitution, the law has created additional powers, duties, and responsibilities in the executive branch;

WHEREAS, due to this slow accretion of new programs, offices, and agencies, and due to the changes to Louisiana, its people, and the challenges faced since 1974, a reorganization of executive branch offices, agencies, and other instrumentalities and their functions, powers, duties, and responsibilities is needed to enhance government efficiency by streamlining, optimizing, and modernizing Louisiana's executive branch of state government;

WHEREAS, in addition to programs overseen by the secretaries of the 20 executive branch departments, there are now over 450 boards and commissions within state government;

WHEREAS, the ever-increasing number of offices, boards, and commissions in state government can cause related governmental functions to be isolated unnecessarily, thereby creating inefficiencies and confusion for members of the public, industry, and the government itself;

WHEREAS, areas concerning the State's natural resources and energy industries continue to experience substantial growth;

WHEREAS, the Legislature set forth in R.S. 36:2 that,
It is the public policy of this State ...to create a structure for the executive branch of state government which is responsive to the needs of the people of this State and which is sufficiently flexible to meet changing human and natural

conditions; to promote economy and efficiency in the operation and management of state government and to strengthen the executive capacity for effective, efficient, and economic administration at all levels; to improve the quality of the functions performed and the programs and services rendered by the state government for the citizens of the state; to conserve and enhance the human and natural resources of the state; to provide that the responsibility of the respective departments for the implementation of programs and policies is clearly fixed and ascertainable; and to eliminate to the fullest practicable extent duplication of effort within the executive branch of state government in order to use wisely the funds of the state and more conveniently to meet the needs of the citizens of Louisiana which are supported by revenues derived from the people and from the natural resources belonging to them.

and

It is the further intent of the legislature that the reorganization of the executive branch of state government shall be accomplished with the least possible disruption of governmental services and the least possible expenditure of public moneys and that all officials and employees participating in the effectuation of such reorganization shall at all times be charged with the responsibility for carrying out the intent herein stated.

WHEREAS, the goals of this administration relating to natural resources and energy project implementation, regulation, and management are to create a better prospective business climate; promote a balanced approach to permitting, management, and enforcement so as to ensure protection of the State's resources; create a transparent regulatory environment; and reduce redundancy;

WHEREAS, it is important that boards and commissions serve a constitutionally or statutorily defined purpose and better represent this State's population and interests with appropriate legislative and executive oversight; and

WHEREAS, the powers, authorities, and responsibilities related to natural resources and energy that have been granted to the executive branch should be centrally located within the executive branch to accomplish the constitutional or statutory duties assigned to them and in a manner to increase government efficiency, fairness, and transparency.

NOW THEREFORE, I, JEFF LANDRY, 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: The Secretary of the Department of Energy and Natural Resources (hereinafter referred to as "the Secretary") is directed to review and consider ways to reorganize the offices, agencies, and authorities of his department on a functional basis;

Section 2: The Secretary is directed to review and consider ways to better coordinate and consolidate within the Department of Energy and Natural Resources the functions, powers, duties, and responsibilities of the executive branch dealing with natural resources and energy,

EXECUTIVE ORDER JML 24-14

Authority to Arm Designated
Louisiana National Guardsmen

specifically focusing on consolidating and reorganizing the following offices and agencies within his department: the Coastal Protection and Restoration Authority, the Louisiana Oil-Spill Coordinator’s Office, and the Office of State Lands;

Section 3: The Secretary is directed to review and consider ways to better coordinate and consolidate or reorganize the functions, powers, duties, and responsibilities of State boards and commissions dealing with natural resources and energy matters, to include, but not limited to, the Advisory Commission for Louisiana’s Energy, Environment, and Restoration, the Capital Area Groundwater Conservation District, the Climate Initiatives Task Force, the Coastal Protection and Restoration Authority Board, the Emerging Energy Codification Task Force, the Governor’s Advisory Commission on Coastal Protection, Restoration, and Conservation, the Governor’s Advisory Task Force on Atchafalaya River Basin Restoration and Enhancement, the Oilfield Site Restoration Commission, the State Mineral and Energy Board, the Oyster Lease Damage Evaluation Board, Sparta Groundwater Conservation District, and The Water Resources Commission;

Section 4: Based on the reviews and considerations required by Sections 1-3 of this order, the Secretary is to report back to my office recommendations on how best to consolidate and reorganize the offices, agencies, boards, and commissions of the executive branch with the first report being due no later than Friday, February 23, 2024, with subsequent reports being due on a schedule and frequency as directed;

Section 5: In carrying out the review and recommendations directed by Sections 1 – 4 of this order, the Secretary shall seek to address the goals set forth in the recitals of this order; furthermore the Secretary shall work to improve coordination within his department and across agencies consistent with these goals until consolidation and reorganization have been accomplished;

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof are authorized and directed to cooperate fully with and respond to all requests for information made by the Secretary of the Department of Energy and Natural Resources and such department staff as may be designated by the Secretary in the implementation of this order; and

Section 7: This order is effective upon signature and shall continue in effect until July 31, 2024, unless amended, modified, or terminated sooner.

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 1st day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#010

WHEREAS, Article IV, Section 5 of the Louisiana Constitution establishes the governor as the Commander-in-Chief, providing,

The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency;

WHEREAS, R.S. 29:7 states that the Governor may, with or without a declaration of emergency, order into the active service of the state any part of the National Guard in order to prevent or prepare for terrorist events and, that when so ordered, members of the National Guard on state active duty or in a duty status under Title 32 of the United States Code shall have all of the powers and authority of peace officers as are reasonably necessary to preserve the lives, property, and security of persons within the State of Louisiana;

WHEREAS, the State of Louisiana is proud to have many thousands of National Guardsmen who train to respond and protect the citizens and property of our State and their uniforms should not make them targets for terrorism without having the ability to defend themselves and other peaceful, law abiding citizens;

WHEREAS, there are increasing threats to the security of state military forces from homegrown terrorist organizations within the State of Louisiana;

WHEREAS, these threats occur while Louisiana’s soldiers and airmen are in Louisiana communities and when located on a state military installation or readiness center; and

WHEREAS, the Adjutant General of Louisiana should identify appropriate members of the National Guard currently ordered to state active duty under R.S. 29:7 or in a duty status under Title 32 of the United States Code and issue appropriate orders designating security procedures for members of the National Guard and facilities to have the means of self-defense should such an attack occur in the State of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, 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: In accordance with my authority as Commander-in-Chief of the military forces of this state, I authorize and direct the Adjutant General to identify and arm certain members of the military forces of Louisiana as reasonably necessary to preserve the lives, property, and security of themselves and other persons subject to threat of a terrorist attack.

Section 2: All existing immunities for officers and other members of the military forces of this state, including but not limited to the immunity provided in R.S. 29:23, 23.1, and 735, remain in full force and effect.

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

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 February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#011

EXECUTIVE ORDER JML 24-15

Renewal of State of Emergency—Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Proclamation Number 255 JBE 2023, which expires on February 6, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(l) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision

of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, and;

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(l), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Monday, February 5, 2024 to Thursday, March 5, 2024, unless terminated sooner.

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 February 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#012

EXECUTIVE ORDER JML 24-16

Renewal of State of Emergency
Severe Storms and Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Proclamation Number 254 JBE 2023, which ends on February 5, 2024, and;

WHEREAS, there is a need to continue Proclamation Number 254 JBE 2023 because several parishes are still working to recover from the damage caused by these storms.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or

immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Monday, February 5, 2024 to Thursday, March 5, 2024, unless terminated sooner.

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 February 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#013

EXECUTIVE ORDER JML 24-17

Streamlining Permitting Processes
in the Oil and Gas Industry

WHEREAS, the Oil and Gas Industry plays a crucial role in the economic development and energy security of our Nation, and the continued development of domestic oil and gas resources is critical to driving the economic success of our State and our Nation;

WHEREAS, more than 10 percent of Louisiana's employment is directly or indirectly supported by the Oil and Gas Industry;

WHEREAS, the Gulf Coast's crude oil production and natural gas production is anticipated to grow over the next decade;

WHEREAS, the current state permitting process for new energy projects and industrial expansion has become decidedly protracted, costing Louisiana high-paying jobs and commensurate tax revenue;

WHEREAS, a streamlined permitting process will enhance efficiency, promote economic growth, increase state severance tax revenues, and ensure the Nation's energy security; and

WHEREAS, it is in the best interest of our State of Louisiana and our Nation to expedite permitting processes to encourage timely oil and gas production.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution do hereby order and direct the Louisiana Department of Natural Resources and the Louisiana Department of Environmental Quality to promote the streamlining of permitting processes associated with the Oil and Gas Industry as follows:

A. Establish clear and concise guidelines to expedite the permitting processes, ensuring a timely and efficient approval mechanism.

B. Identify areas where agencies can enhance coordination and collaboration to eliminate duplication, reduce inefficiencies, and ensure a seamless permitting process.

C. Explore and implement innovative technologies and approaches to streamline permitting, and eliminate duplication between agencies while maintaining environmental standards.

D. Engage in public outreach to provide detailed information and customer-friendly guidance to applicants on the required documentation, procedures, and criteria needed at the beginning of the permitting process, and communicate changes in the permitting process.

E. Develop and utilize performance metrics to accurately assess the permitting process.

F. No later than December 31, 2024, the Louisiana Department of Natural Resources and the Louisiana Department of Environmental Quality shall report to the Office of the Governor the steps taken to comply with this Order.

G. This Executive Order is effective upon signature and shall continue in force and effect until January 1, 2025 unless amended, modified, terminated or rescinded by the Governor.

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 February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR

Nancy Landry
Secretary of State
2402#014

EXECUTIVE ORDER JML 24-18

Carry-Forward Bond Allocation 2023

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act”), Executive Order Number JBE 2016-35 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year 2016 and subsequent calendar years;

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

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

WHEREAS, Section 4(H) of Executive Order Number JBE 2016-35 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the Governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, the sum of five hundred fifty million eight hundred twenty-eight thousand nine hundred and twenty dollar (\$550,828,920) represents the amount of the ceiling determined by the staff of the Louisiana State Bond Commission (“SBC”) for private activity bond volume limits for the year 2023 (“2023 Ceiling”);

WHEREAS, the sum of eighty-three million nine hundred sixty-nine thousand and twenty-two dollars (\$83,969,022) of the 2023 Ceiling was not allocated during the 2023 calendar year; and

WHEREAS, the SBC has determined that eighty-three million nine hundred sixty-nine thousand and twenty-two dollars (\$83,969,022) of the 2023 Ceiling is eligible for carry-forward, and the Governor desires to allocate this amount as carry-forward for projects which are permitted and eligible under the Act.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for carry-forward filed by the designated issuer, the excess private activity bond volume limit under the 2023 Ceiling is hereby allocated to the following issuer(s), for the following carry-forward project(s), and in the following amount(s):

Issuer	Carry-Forward	Carry-Forward
Louisiana Public Facilities Authority	Chevron U.S.A Inc.	\$83,969,022

Section 2: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 5th day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR

Nancy Landry
Secretary of State
2402#15

EXECUTIVE ORDER JML 24-19

Bond Allocation 2024 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016- 35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
 - (b) the method to be used in allocating the ceiling,
 - (c) the application procedure for obtaining an allocation of bonds subject to such ceiling, and
 - (d) a system of record keeping for such allocations;
- and

WHEREAS, the Louisiana Public Facilities Authority (hereafter the “Authority”) has applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, and equipping of development projects.

NOW THEREFORE, I, JEFF LANDRY, 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: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2024 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$16,030,978	Louisiana Public Facilities Authority	Chevron U.S.A. Inc.

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein shall be valid and in full force and effect until May 6, 2024; any unused amount of this 2024 ceiling allocation shall be deemed returned as of May 6, 2024.

Section 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 5th day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2402#16

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Child Welfare Home Certification—Child Placing Agencies
(LAC 67:V. 7316)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to adopt LAC 67:V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7316. This Emergency Rule shall be effective February 1, 2024, and shall remain in effect for a period of 180 days.

The department considers emergency action necessary as pursuant to federal law 88 FR 66700, Title IV-E agencies may claim federal reimbursement for an eligible child who is placed in a relative or kinship licensed or approved foster family home when the agency uses different licensing standards for relative or kinship foster family homes.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 73. Child Placing Agencies

§7316. DCFS Certified Relative/Kinship Foster Homes

A. Pursuant to federal law 88 FR 66700, Sections 7315.A.1-10, 7315.A.12-14, 7315.B.-C., 7315.E.1.k, 7315.E.4-5, 7315.F.12, 7315.G.1-4, 7315.G.10-15, 7315.N, 7315.P.-R. shall not apply to relative/kinship family homes as defined by child welfare policy and certified by DCFS for foster placement. These homes shall only be required to follow the certification standards detailed in child welfare policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 50:

David N. Matlock
Secretary

2402#011

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Reopening of the 2023/2024 Oyster Season
in the Sister Lake Public Oyster Seed Reservation
to the Harvest of Market-Size Oysters

In accordance with the emergency provisions of Revised Statutes (R.S.) 49:962, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 7, 2023, which authorized the secretary of the

Department of Wildlife and Fisheries to take emergency action to reopen public oyster seed grounds or reservations if sufficient quantities of oysters are available and to adjust sack limits, notice is hereby given that the secretary of the Department of Wildlife and Fisheries declares that the Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, shall reopen to the harvest of market oysters only at one-half hour before sunrise on Monday, March 4, 2024 and close at one-half hour after sunset on Sunday, March 10, 2024, with the following conditions:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed reservations described above shall be limited to a daily take not to exceed 30 whole sacks of oysters per vessel. A sack of oysters for the purposes of this Declaration of Emergency shall be the size of a standard Louisiana measure described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures.

2. This opening is limited to harvesting only market oysters for direct sale (sacking).

3. If any person on a vessel takes or attempts to take oysters from the public oyster reservation described above, all oysters contained on that vessel will be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

4. All oysters harvested from public areas, seed grounds or reservations for the purpose of market shall be uncontaminated, sealed and not gaping as described in R.S. 56:433.

5. All oysters harvested from public areas, seed grounds or reservations for the purpose of direct sale shall measure a minimum of three inches from hinge to bill as described in R.S. 56:433.

6. Market oysters harvested from any public oyster area, seed ground or reservation must be sacked, the number of sacks recorded in a log book, and each sack properly tagged prior to leaving said public oyster area, seed ground, or reservation.

7. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise must have all oyster scrapers unshackled.

8. Every vessel harvesting oysters from the Public Oyster Areas for oyster resource shall report harvest information to the department before 9 p.m. each day fished. Vessels shall provide the following information: Captain's name, date of harvest, oyster harvester number, vessel number, the total number of sacks harvested that day, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic Reporting will be allowed and shall be performed in a manner prescribed by the department. Daily harvest reporting is also available by calling 1-800-442-2511. This reporting does not substitute for trip ticket reporting as required by law.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Department of Health for public health concerns.

Madison D. Sheahan
Secretary

2402#015

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 these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these 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 15 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 3, 2023, 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 2023 fall inshore shrimp season will close on Friday, February 2, 2024, at official sunset from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River, except for the following areas:

The open waters of the Louisiana portion of Mississippi Sound 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. The open waters of the Louisiana portion of Mississippi Sound are defined as beginning at a point on the Mississippi/Louisiana state line at 30 degrees 10 minutes 21.95 seconds north latitude, 89 degrees 26 minutes 12.99 seconds west longitude; thence southerly to a point at 30 degrees 08 minutes 03.07 seconds north latitude, 89 degrees 26 minutes 27.05 seconds west longitude; thence southwesterly to a point at 30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west

longitude), which is a point on the double-rig line as described in R.S. 56:495.1(A)2; thence northerly along the double-rig line to the Mississippi/Louisiana state line (30 degrees 12 minutes 37.90 seconds north latitude, 89 degrees 10 minutes 57.97 seconds west longitude); thence westerly along the Mississippi/Louisiana state line to the point of origin.

Existing data do not currently support shrimping closures in additional state inside 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.

Madison D. Sheahan
Secretary

2402#010

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure in Portions of State Outside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that the average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these 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 15 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 3, 2023, which authorizes the secretary of the department to close shrimp season in all or parts of state outside waters when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2023 fall shrimp season shall close on January 15, 2024, at official sunset, in portions of state outside waters between Caillou Boca and Freshwater Bayou Canal. The eastern boundary line originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46.00 seconds north latitude, -90 degrees 50 minutes 27.00 seconds west longitude and ends at a point on the three mile line as described in R.S. 56:495(A) at 28 degrees 59 minutes 30.00 seconds north latitude, -90 degrees 51 minutes 57.00 seconds west longitude. The western boundary line originates on the western shore of Freshwater Bayou Canal at 29 degrees 32 minutes 03 seconds north latitude, -92 degrees 18 minutes 33 seconds west longitude and ends at a

point on the three mile line as described in R.S. 56:495(A) at 29 degrees 29 minutes 02 seconds north latitude, -92 degrees 19 minutes 34 seconds west longitude.

Existing data do not currently support shrimping closures in additional state 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.

Madison D. Sheahan
Secretary

2402#001

Rules

RULE

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

Structural Pest Control Commission
(LAC 7:XXV.Chapter 1)

Editor's Note: Section 101 is being repromulgated to correct a manifest typographical error. The original Rule may be viewed in its entirety on pages 2074-2079 of the December 20, 2023 *Louisiana Register*.

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, amended LAC 7:XXV.101, 107, 109, 117, 119, 123, 141, 147, 165 and 167. The Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The Rule change is made in accordance with R.S. 3:3366, which gives the Structural Pest Control Commission the authority to adopt rules and regulations.

The Rule change clarifies the definitions of construction, containment structure, employee, rule, and standard contract. The Rule adds language to allow the commission staff to review the contents of an application to take the certification examination for licensure and approve or deny the applicant's application to take the examination. Further, throughout this Section, the language "commission staff" is added to existing rules to provide clarification for who can do certain tasks. Additionally, the Rule change provides a deadline of six years for an applicant to take the license examination after receiving application approval for examination. There are no costs associated with applying to be approved to take the license examination.

The Rule change adds that expired structural fumigation contracts should be held by the department for a two-year period. The Rule change adds language to include "new construction" contracts. This language reflects what is currently in place for pre and post construction contracts but adds new construction, so the rules are consistent for all contract types. The Rule change updates to current technology used by the department and removes receiving by fax and instead adds submitting online. The Rule change adds language under contracts for termite control work for inspection diagrams for all structures covered and sets a minimum threshold for termite control work damage repair warranties. This minimum amount was voted on by the commission, and is industry supported. The Rule changes remove outdated language for fumigation, specifically "certified fumigation technician" which was previously removed from the rules, except this one which was missed.

Lastly, the Rule change makes corrections to referenced statutes in the Chapter. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission §101. Definitions

A. - B. ...

* * *

Construction—the act of building a structure from the start of the first stage of physical work until completion which is when a final inspection by an appropriate building inspector is completed.

* * *

Containment Structure—new and existing structures at bulk facilities that meet the design, construction materials and capacity requirements used to contain spills or leaks from stationary pesticide containers or pesticide dispensing activities.

a. - b. ...

* * *

Employee—any person employed by a permittee, working under the supervision of licensee, and engaged in structural pest control work as defined in La. R.S. 3:3362. Excluded are: clerical, janitorial or office maintenance employees or those employees completely disassociated with performing structural pest control work.

* * *

Rule—as defined in R.S. 49:951(8).

* * *

Standard Contract—see definition of "contract" in this Section.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:1541 (November 2020), LR 47:1100 (August 2021), LR 48:2728 (November 2022), LR 49:2074 (December 2023), LR 50:171 (February 2024).

Mike Strain, DVM
Commissioner

2312#036

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—English Language Proficiency Test Connect Cut Scores (LAC 28:XI.7311)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XI.7311 in Bulletin 118—*Statewide Assessment Standards and Practices*. The revisions set forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores 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 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 73. English Language Proficiency Test (ELPT)

Subchapter D. Performance Levels and Proficiency Standards

[Formerly LAC 28:CXI.2311]

§7311. Proficiency Standards

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

1. ELPT Performance Standards Cut Scores

ELPT Performance Standards Cut Scores					
Domain	Performance Standard Level 1	Performance Standard Level 2	Performance Standard Level 3	Performance Standard Level 4	Performance Standard Level 5
* * *					

2. ELPT Connect Performance Standards Cut Scores

ELPT Connect Performance Standards Cut Scores				
Domain	Performance Standard Level 1	Performance Standards Level 2	Performance Standards Level 3	Performance Standards Level 4
Kindergarten				
Listening	61 or below	62-70	71-82	83-99
Speaking	73 or below	74-83	84-91	92-99
Reading	61 or below	62-70	71-82	83-99
Writing	73 or below	74-83	84-91	92-99
Grade One				
Listening	56 or below	57-64	65-83	84-99
Speaking	67 or below	68-82	83-94	95-99
Reading	56 or below	57-64	65-83	84-99
Writing	67 or below	68-82	83-94	95-99
Grade Two				
Listening	50 or below	51-60	61-79	80-99
Speaking	61 or below	62-80	81-87	88-99
Reading	50 or below	51-60	61-79	80-99
Writing	61 or below	62-80	81-87	88-99
Grade Three				
Listening	55 or below	56-65	66-82	83-99
Speaking	66 or below	67-83	84-89	90-99
Reading	55 or below	56-65	66-82	83-99
Writing	66 or below	67-83	84-89	90-99
Grade Four				
Listening	38 or below	39-51	52-83	84-99
Speaking	41 or below	42-72	73-80	81-99
Reading	38 or below	39-51	52-83	84-99
Writing	41 or below	42-72	73-80	81-99
Grade Five				
Listening	44 or below	45-57	58-86	87-99
Speaking	48 or below	49-77	78-84	85-99
Reading	44 or below	45-57	58-86	87-99
Writing	48 or below	49-77	78-84	85-99

ELPT Connect Performance Standards Cut Scores				
Domain	Performance Standard Level 1	Performance Standards Level 2	Performance Standards Level 3	Performance Standards Level 4
Grade Six				
Listening	33 or below	34-42	43-79	80-99
Speaking	41 or below	42-64	65-83	84-99
Reading	33 or below	34-42	43-79	80-99
Writing	41 or below	42-64	65-83	84-99
Grade Seven				
Listening	34 or below	35-44	45-80	81-99
Speaking	42 or below	43-66	67-84	85-99
Reading	34 or below	35-44	45-80	81-99
Writing	42 or below	43-66	67-84	85-99
Grade Eight				
Listening	35 or below	36-45	46-80	81-99
Speaking	44 or below	45-67	68-85	86-99
Reading	35 or below	36-45	46-80	81-99
Writing	44 or below	45-67	68-85	86-99
Grade Nine-Twelve				
Listening	35 or below	36-46	47-82	83-99
Speaking	49 or below	50-67	68-76	77-99
Reading	35 or below	36-46	47-82	83-99
Writing	49 or below	50-67	68-76	77-99

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 46:16 (January 2020), LR 50:172 (February 2024).

Shan N. Davis
Executive Director

2402#028

RULE

Board of Elementary and Secondary Education

Certification Exams and Scores (LAC 28:CXXXI.303)

Editor's Note: This Section was part of a recodification project. Section 303 was repromulgated in the December 20, 2023 *Louisiana Register* on pages 2096-2098 and subsequently amended in the January 20, 2024 *Louisiana Register* on pages 21-24. Section 303.I contained an omission error. This repromulgation is being done to correct the error.

Title 28 EDUCATION

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

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

Subchapter B. Testing Required for Certification

§303. Certification Exams and Scores

A. - H.2.b. ...

I. Grades 6-12 Non-Core Content Certification Areas

1. Content Requirements

a. Agriculture:

i. Agriculture (0700), prior to 6/8/14, score 510;

or

ii. Agriculture (5701), effective 6/8/14, score 147.

b. Business. Business Education: Content Knowledge (0101 or 5101), effective 11/1/10, score 154.

c. Computer Science

i. 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.

d. Family and Consumer Sciences:

i. Family and Consumer Sciences (0121 or 5121), prior to 6/8/14, score 141; or

ii. Family and Consumer Sciences (5122), effective 6/8/14, score 153.

e. Journalism or 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.

f. Speech. Speech Communications (0221 or 5221), effective 9/1/09, score 146.

g. Technology Education. Technology Education (0051 or 5051), effective 1/1/12, score 159.

2. Principles of Learning and Teaching: 7-12 in accordance with §303.B.

J. - P.2.b. ...

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 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024).

Shan N. Davis
Executive Director

2402#013

RULE

Board of Elementary and Secondary Education

School Administration and Safety

(LAC 28:LXXIX.107, 125, 1309, 1901; CXIII.903; CXV.337, 339, 504, 511, 915, 1103, 1127, 1315, 2305, 2317, 2367; CXXXIX.4003 and CLVII.509)

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. *Bulletin 741* (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*; LAC 28: CXIII. *Bulletin 119*—*Louisiana School Transportation Specifications and Procedures*; LAC 28: CXV. *Bulletin 741*—*Louisiana Handbook for School Administrators*; LAC 28: CXXXIX. *Bulletin 126*—*Charter Schools, and* LAC 28: CLVII. *Bulletin 135*—*Health and Safety*. The revisions in LAC 28: LXXIX. *Bulletin 741* (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators* set forth additional requirements regarding school accreditation, suicide prevention, transportation, and the repeal of teaching authorization requirements. The revisions in LAC 28: CXIII. *Bulletin 119*—*Louisiana School Transportation Specifications and Procedures* implement additional requirements regarding the safe loading and unloading of students from buses and during carpool in elementary schools. The revisions in LAC 28: CXV. *Bulletin 741*—*Louisiana Handbook for School Administrators* set forth requirements regarding implementation of crisis management and response plans, display of the national motto, carpool and bus line procedures, recess time requirements, student absences regarding mental health, restrictions on corporal punishment, instruction on organ donation, updates to the community service diploma endorsement, numeracy professional development, and inclusion of a Bible literature elective course. Additionally, the revisions repeal teaching authorization requirements. The revisions in LAC 28: CXXXIX. *Bulletin 126*—*Charter Schools* establish the applicability of state laws to charter schools regarding instruction on organ donation, Bible literature elective course, and bus and carpool safety. Finally, the revisions in LAC 28: CLVII. *Bulletin 135*—*Health and Safety* require that schools have an Automated External Defibrillator (AED) on the premises and set forth the requirements regarding implementation of cardiac emergency response plans. 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

§107. School Approval

A. - D. ...

E. Classification Categories. Schools shall be classified according to the following categories:

1. *approved* (A)—school meets all standards specified for approval of nonpublic schools. There shall be two types of approved schools:

a. *accredited approved school*—school is currently accredited by:

i. the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC);

ii. a member of the National Association of Independent Schools (NAIS);

iii. the diocese or archdiocese in which the school is located; or

iv. Cognia.

v. The LDOE may also accept accreditation from other school accreditation agencies, but may require that the school submit additional information or documentation to ensure consistent quality.

vi. The school meets all other criteria for BESE approval in accordance with this Part.

E.1.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4021.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:306 (February 2013), LR 39:1438 (June 2013), LR 39:3070 (November 2013), LR 50:174 (February 2024).

§125. Teaching Authorization

Repealed.

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 44:2132 (December 2018), repromulgated LR 45:38 (January 2019), repealed LR 50:174 (February 2024).

Chapter 13. Preventive Programs

§1309. Suicide Prevention

A. - A.7. ...

B. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall have posted on the school website the following information:

1. - 2. ...

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, 17:411, and 17:437.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:38 (January 2019), amended LR 45:1055 (August 2019), amended LR 45:1747 (December 2019), LR 50:174 (February 2024).

Chapter 19. Support Services

§1901. Transportation

A. ...

B. When bus transportation is provided by a city, parish, or other local public school board, the nonpublic school shall establish written policies regarding carpool and bus line procedures in accordance with LAC 28: CXIII.903. (*Bulletin 119*).

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. 17:158(C), (D), and (H), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3079 (December 2005), LR 39:1443 (June 2013), LR 50:174 (February 2024).

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 9. Vehicle Operation

§903. Loading and Unloading

A. - C.4. ...

D. Operations: Safe Bus Loading and Unloading Students

1. ...

2. The bus driver should be especially watchful for clothing, book bags, or other carry-on items that could be caught in the handrail or the bus door, thereby possibly causing student injury. The bus driver should always scan the area around the bus door before placing the bus in motion.

3. During loading of students, the following are required:

a. Students shall remain a safe distance from the loading area in a designated location appropriate for the particular school building. A material or immaterial boundary intended to block passage shall define the area.

b. Students shall remain in the loading area until the bus comes to a complete stop.

c. The bus driver must allow all passengers to reach their respective seats before placing the bus in motion after passengers have boarded the bus.

4. ...

5. Signage shall be prominently posted with bus and carpool loading and unloading policy at any school that includes kindergarten through fifth grades.

E. Operations: Safe Carpool Loading and Unloading Students

1. Students shall remain a safe distance from the loading area in a designated location appropriate for the particular school building. A material or immaterial boundary intended to block passage shall define the area.

2. Students shall remain in the loading area until vehicles come to a complete stop.

3. Kindergarten through third grade students shall be accompanied by school personnel when walking to and from vehicles.

4. Students shall remain in appropriate passenger restraint until the vehicle comes to a complete stop prior to exiting the vehicle.

5. Signage shall be prominently posted with bus and carpool loading and unloading policy at any school that includes kindergarten through fifth grades.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166, R.S. 32:80, and R.S. 32:318.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:835 (May 1999), amended LR 25:2169 (November 1999), LR 36:1470 (July 2010), LR 37:2123 (July 2011), LR 42:231 (February 2016), LR 50:243 (February 2023), LR 50:175 (February 2024).

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§337. Written Policies and Procedures

A. - B.39. ...

40. maintaining a supply of auto-injectable epinephrine in a secure location in each classroom assigned to a student deemed by a physician to be at high risk for anaphylactic

reaction and incapable of self-administration of auto-injectable epinephrine, in accordance with R.S. 17:436.1;

41. display of the national motto in each classroom in each school under its jurisdiction in accordance with R.S. 17:262;

42. carpool and bus line procedures in accordance with LAC 28:CXIII.903 (*Bulletin 119*).

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, 17:184, 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 48:1273 (May 2022), LR 50:33 (January 2023), LR 50:250 (February 2023), repromulgated LR 50:855 (May 2023), LR 50:175 (February 2024).

§339. Emergency Planning and Procedures

A. Each public school principal or school leader shall have a crisis management and response plan developed jointly with local law enforcement, fire, public safety, and emergency preparedness officials, that addresses the immediate response to emergency situations that may develop in schools. The plan shall seek to utilize resources and information available through the Louisiana Commission on School and Nonprofit Security. The principal or school leader shall:

1. submit the crisis management and response plan to the local superintendent, the LDOE, and the Center for Safe Schools within the Governor's Office of Homeland Security and Emergency Preparedness;

2. annually review the crisis management and response plan, revising as necessary;

a. When preparing or revising the plan, consult with the district threat assessment team. The principal and the threat assessment team shall determine whether to consider input from students enrolled in the school and their parents, faculty and staff, and community leaders. The principal of a high school shall seek and consider input from the students enrolled in the school who shall be represented by either the president of the senior class or the president of the student council and at least one other responsible student selected by the principal.

b. The district threat assessment team shall include the local school superintendent, principal(s) from each school, school facilities staff member, mental health professional, school resource officer, any ROTC instructor within the LEA, and the emergency preparedness and recovery point of contact.

c. The plan shall provide for an all-hazards approach response plan for emergency events, including any event with a hostage, an active shooter, or a building lockdown.

3. within the first 30 days of each school year, conduct a safety drill to rehearse the plan;

4. not later than seven days after each drill, submit a written report summarizing the details of the drill to the local superintendent, who shall comment on the drill to the principal, and the principal shall consider the comments when revising the plan;

5. be responsible for providing in-service training pertaining to the plan for all teachers and school employees each school year. Such training may be incorporated into a meeting or training session held for another purpose and shall involve local law enforcement, fire, public safety, and emergency preparedness officials in the preparation and presentation of the training. The training shall include an active shooter exercise and shall be reported to the local school superintendent and the LDOE;

6. provide for notification of parents, faculty, staff, and local public safety officials in the event of a shooting or other violent incident or emergency situation;

7. include a cardiac emergency response plan in accordance with LAC 28:CLVII. (*Bulletin 135*);

8. provide that classroom doors with locks shall be in accordance with all fire safety standards and shall remain locked during instructional time. Locked doors shall not obstruct egress.

9. The local school superintendent shall make an annual report to the public school governing authority on the status of the plan of each school under the governing authority's jurisdiction.

B. Repealed.

C. - G. ...

H. The school will establish procedures that detail the roles and responsibilities of each school employee and each local and state public safety and emergency preparedness office, including the relevant coordination agreements, services, and security measures of a school.

I. The governing authority of each public school will, as part of its school crisis management plan, develop resources, policies, procedures, and guidelines to address the potential of violence and terrorism in the schools under its jurisdiction.

1. Any full- or part-time administrator, teacher, counselor, bus operator, or other school employee who learns of a threat of violence or threat of terrorism, whether through oral, written, or electronic communication, shall immediately report the threat to a local law enforcement agency and, if the employee is not the school administrator, to the school administrator.

2. Upon being informed of the threat, the school administrator shall make reasonable efforts to attempt to inform all persons who are targets of the threat and shall take all necessary measures to protect lives and ensure safety.

3. The school administrator shall make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.

4. The school administrator and the school district administrator shall then determine if risk is imminent for any other persons as a result of the threat, and if so, notify and take reasonable measures to protect lives and ensure safety.

5. The school administrator and the school district administrator shall determine whether to notify parents of the students at the school.

6. Where the district attorney, upon receiving report of a credible threat made by a student, does not file a petition during the seven days after receiving the report from a law enforcement agency, the student who is the subject of the

complaint and investigation shall be permitted to return to school unless the student is charged with assault on a teacher or battery on a teacher.

7. The school administration shall permit a student who is the subject of a complaint and investigation to return to school if, at any point after an investigation and prior to a hearing, the threat is determined not to be credible, unless the student is charged with assault on a teacher or battery on a teacher. The school administrator shall notify any person who was a target of the threat at least two school days prior to the student's return and may conduct a search of the student or student property for weapons upon the student's return.

8. If the person is not a student, the individual shall not be permitted to be within five hundred feet of any school until deemed by a healthcare professional in a formal medical or mental health evaluation to not be a danger to self or others.

9. After such a determination, the individual shall not be permitted in a school unless the school administrator has been notified of the intent to visit the school and given consent. The administrator shall provide at least two school days' notice regarding the visit to any person in the school who was directly threatened by the individual. The school administrator may deny such an individual the right to visit the school.

J. ...

K. Bleeding control kits shall be placed in easily accessible locations in each school.

1. The principal shall ensure that designated employees are trained in the proper use of a bleeding control kit and in traumatic injury response.

2. The kits shall contain, at a minimum, a tourniquet, a hemostatic bleeding control dressing, an emergency trauma dressing, one pair of nitrile gloves, and an instruction card.

3. The kit shall be annually inspected, with materials replaced as needed according to product expiration dates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154.1, R.S. 29:726.5, et seq., R.S. 40:1137.3, and 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:36 (January 2019), LR 45:1746 (December 2019), LR 50:175 (February 2024).

Chapter 5. Personnel

§504. Teaching Authorization

Repealed.

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 44:2132 (December 2018), repromulgated LR 45:38 (January 2019), repealed LR 50:176 (February 2024).

§511. Completion of Approved Numeracy Skills Course

A. The LDOE shall develop a list of approved professional development courses designed for educators that provide numeracy skills instruction and include

information on instructing students regarding the vertical alignment of mathematical concepts and the blending of concepts, procedures, strategies, problem-solving, and disposition.

B. For the purposes of the Section, *teacher* means a public school fourth through eighth grade mathematics teacher.

C. Not later than the beginning of the 2025-2026 school year, each teacher must successfully complete at least one approved professional development course and provide documentation of successful completion of the course to the employing school. A teacher who provides documentation of successful completion of an approved professional development course within the five years prior to August 1, 2025, shall be considered in compliance with the provisions of this Paragraph.

D. Any teacher or administrator hired after July 31, 2025, must provide documentation to the employing school of successful completion of an approved professional development course within two years of the date of employment.

E. Beginning May 1, 2026, and annually thereafter, each LEA shall report to the LDOE the number and percentage of teachers who have successfully completed and approved professional development numeracy course. Reported data shall be included in LDOE school progress profiles.

F. Waivers to use professional development courses not included in the LDOE list of approved professional development courses must be submitted in writing to the department and are subject to approval by BESE.

G. The professional development course shall be presented during the educator's work day, but not during the statutorily guaranteed planning period and shall not extend the hours worked in a work day or the hours worked in a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:176 and R.S. 17:2119.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:176 (February 2024).

Chapter 9. Scheduling

§915. Student Activities

A. - G.3. ...

H. A public school that includes any grade levels of kindergarten through fifth shall provide at least fifteen minutes of daily recess to consist of supervised, unstructured free play.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:176 and R.S. 17:2119.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005), amended LR 39:2205 (August 2013), LR 50:250 (February 2023), repromulgated LR 50:856 (May 2023), LR 50:177 (February 2024).

Chapter 11. Student Services

§1103. Compulsory Attendance

A. - J.8.c. ...

9. A student may be absent related to the student's mental health for up to three days in any school year, and such absences shall be excused when documentation/verification is submitted in accordance with the student handbook. The student shall be given the

opportunity to make up missed work. Upon the return to school following the second day of mental health absence in any school year, the student shall be referred to the appropriate school support personnel for guidance in addressing the underlying issue, which may include referral to medical services outside of the school setting.

K. - 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 50:33 (January 2023), LR 50:177 (February 2024).

§1127. Preventive Programs

A. - D.7. ...

E. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall post on the school website the following information:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:13.1, R.S. 17:283, and R.S. 17:403.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1278 (June 2005), amended LR 39:2208 (August 2013), LR 45:1746 (December 2019), LR 50:177 (February 2024).

Chapter 13. Discipline

§1315. Corporal Punishment

A. The LEA shall adopt such rules and regulations to permit or prohibit any form of corporal punishment in the schools under its jurisdiction.

1. The use of any form of corporal punishment is prohibited without prior parental written consent.

2. Such consent applies only to the school year in which it is given.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6, R.S. 17:223, and R.S. 17:416.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 39:2212 (August 2013), LR 43:2483 (December 2017), LR 50:177 (February 2024).

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

A. - F.4.a. ...

5. The programs shall include providing the website and phone number of at least one national organization specializing in adolescent substance abuse. The resource information shall be posted on the LEA website.

G. - Q.1. ...

2. the relationship and the difference between mental health and physical health as well as brain health and emotional health;

3. identifying trauma and stress and the impact on mental and physical health;

4. resources and services available to assist people with mental health issues; and

5. the management of stress and anxiety.

R. Organ Donation. Each public high school shall provide information regarding organ donation to students. Such instruction shall be integrated into the curriculum of an existing required course using free resources from a Louisiana organ procurement organization or other free resources available from authoritative sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:81, 17:154, 17:261 et seq., 17:263, 17:270, 17:280, 17:281 et seq., 17:404, and 17:405 et seq., and 36 USC 106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018), LR 44:1868 (October 2018), LR 45:36 (January 2019), LR 45:1746 (December 2019), amended LR 48:33 (January 2022), LR 50:251 (February 2023), repromulgated LR 50:857 (May 2023), LR 50:177 (February 2024).

§2317. High Schools

A. - I.4. ...

5. Community service hours shall not count toward academic course work or graded work in any public school.

6. The community service performed shall not be related to political activities of any kind.

J. - K.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:178 (February 2024).

Subchapter B. Academic Programs of Study

§2367. Religious Studies

A. ...

B. Each LEA may offer an elective high school course in the history and literature of the Bible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:282, and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 37:2134 (July 2011), LR 39:2221 (August 2013), LR 50:178 (February 2024).

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 40. Charter School Autonomy

§4003. Applicability of State Laws

A. - A.45. ...

46. organ donation instruction, R.S. 17:280.2.

47. elective course on the history and literature of the Bible, R.S. 17:282.

48. written policies regarding carpool and bus line procedures in accordance with LAC 28: CXIII.903. (*Bulletin 119*) and R.S. 17:81.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:178 (February 2024).

Part CLVII. Bulletin 135—Health and Safety

Chapter 5. Injury Management Program Rules for Serious Sports Injuries

§509. Automated External Defibrillators (AED)

A. Each elementary, middle, and secondary school shall have an AED on its premises in an easily accessible location.

B. Each elementary, middle, and secondary school shall have a cardiac emergency response plan that establishes the specific steps to reduce death from cardiac arrest. The plan shall include at a minimum:

1. list of cardiac emergency response team;
2. procedures for activating the team in response to a sudden cardiac arrest;
3. placement and maintenance of AED; and
4. staff training.

C. Any elementary, middle, and secondary school that sponsors an interscholastic athletic event shall have an AED, a written cardiac emergency response plan, and a trained AED user who is also trained in first-aid and CPR on-site at the event at all times.

D. Provisions of the plan and appropriate training shall be in accordance with Louisiana Department of Health, LAC 48:I.Chapter 61.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1137.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:178 (February 2024).

Shan N. Davis
Executive Director

2402#029

RULE

Board of Regents Office of Student Financial Assistance

M.J. Foster Promise Program
(LAC 28:IV.Chapter 22)

The Board of Regents has amended 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).(SG24210R) 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 22. M.J. Foster Promise Program

§2201. General Provisions

A. Act 457 of the 2021 Regular Session of the Louisiana Legislature establishes the M.J. Foster Promise Program in R.S 17:3047 et seq. The Act provides that the board shall establish the criteria for initial and continuing eligibility and other requirements not otherwise provided in the statutes. The Act further provides that the M.J. Foster Promise Program shall be administered by the board through the Louisiana Office of Student Financial Assistance.

B. Description and Purpose. The M.J. Foster Promise Program provides financial assistance to eligible students enrolled in two year public post-secondary institutions and

accredited proprietary schools to pursue an associate degree or a shorter term credential aligned with Louisiana's workforce priorities.

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 an M.J. Foster Promise Program award 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.** For the 2022-2023 academic year only, the award amount shall be applied only to tuition and fees required for enrollment. Beginning in the 2023-2024 academic year, the award amount shall be applied to tuition, required fees, and mandatory books and instructional materials. A student who is eligible for the Taylor Opportunity Program for Students (TOPS) as well as the M.J. Foster Promise Program shall receive the highest award available only.

1. For programs which can be completed in or which exceed one year, the award amount shall not exceed \$3,200 per academic year for a student enrolled full time, or an amount proportional to the hours in which the student is enrolled if enrolled less than full time.

2. For programs which can be completed in less than one year, the award amount may exceed the amount provided for in Paragraph 1 of this Subsection.

3. In no case shall a student be awarded more than \$6,400 over a three year period.

4. Students who are enrolled less than full-time may receive an M.J. Foster Promise award, provided that the award amount shall be pro-rated based upon the number of credit hours or clock hours in which the student is enrolled.

5. After the initial award payment, awards shall be applied only after all federal, state, and/or institutional

financial aid and awards are applied to the costs set forth in §2201.G. For purposes of this paragraph, federal financial aid and awards shall not include funding from student loans, federal work-study, or the Workforce Innovation and Opportunity Act (WIOA).

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 48:1093 (April 2022), amended LR 50:178 (February 2024).

§2203. 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).

Continuous Enrollment—

a. earn at least one shorter-term postsecondary education credential per year if enrolled in a qualified program below the associate degree level that can be completed in less than one year; or

b. enroll continuously in a postsecondary education credential program that is longer than one year and does not result in an associate degree; or

c. enroll in the fall and spring semester at each academic year if enrolled in a qualified program at the associate degree level.

Eligible Colleges—two-year public postsecondary institutions and accredited proprietary schools licensed by the board in the state of Louisiana.

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 twenty-four 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;

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 180 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. if the dependent or independent student does not report Louisiana as his true, fixed, and permanent home of residence as Louisiana on the FAFSA, the board may require an independent student applicant or the parent of a dependent student applicant to show proof of residency. 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, Louisiana tax returns for the most recent two years.

Qualified Program of Study—one of five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to the state's workforce priorities as determined by the Advisory Council.

Steady Academic Progress—for students enrolled full time, make sufficient progress toward completion of the program of study in which the student is enrolled such that he is expected to graduate before or within 100 percent of the time allotted for completion of such program. For a student enrolled less than full time, before or within the maximum time period for which he may receive an M.J. Foster Promise Program award.

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 48:1094 (April 2022), amended LR 50:179 (February 2024).

§2205. Initial Eligibility

A. To be eligible for an M.J. Foster Promise Award, a student must:

1. be 21 years of age as of the date the school bills LOSFA for your award;
2. have earned a high school diploma or equivalent or co-enroll in a qualified program of study and in a program to earn a high school credential that is recognized by the state of Louisiana;
3. be a U.S. Citizen;
4. be a Louisiana Resident as defined in §2203;
5. have not previously earned an undergraduate degree at the associate level or above;
6. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;
7. meet the admission requirements of the institution he plans to attend; and
8. enroll and remain enrolled in an eligible program of study through the fourteenth class day at semester schools, or, for any qualifying summer sessions, students attending

proprietary schools, and students enrolled in a program that is not provided on a traditional semester/term basis, through the end of the last day to drop and receive a full refund for the course of study in which enrolled.

9. agree to reside and work full time in Louisiana for a minimum of one year after the completion of the last program of study for which funding is received.

10.a. for the 2022-2023 academic year, the student must have completed a free application for federal student aid in order to be determined eligible to receive an award;

b. beginning in the 2023-2024 academic year, a student may receive one award payment prior to filing the free application for federal student aid.

B. In addition to the above, the applicant must certify that:

1. he is not currently imprisoned; and
2. he has not been convicted of a violent crime as defined in R.S. 14:2(B); and

3.a. he has a family income that does not exceed three hundred percent of the federal poverty guidelines published by the United States Department of Health and Human Services; or

b. certify that he is currently unemployed or has been underemployed for a period of at least six months prior to the date he would receive an award.

C. All applicants will be required to agree that the Board of Regents and the Louisiana Office of Student Financial Assistance may verify the applicant's criminal history, employment records, and income information. Submission of an application for an award under this Chapter constitutes express permission for the Louisiana Department of Corrections and Public Safety, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health and the Louisiana Workforce Commission to release personally identifiable information to LOSFA for the purposes of verification and program reporting. An individual's personally identifiable information will be maintained in a secure environment and will not be released except as necessary to administer this program and for audit purposes.

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 48:1095 (April 2022), amended LR 50:180 (February 2024).

§2207. Continuing Eligibility

A. To maintain eligibility to receive an M.J. Foster Promise Award, a recipient must:

1. if not completed prior to receipt of the first payment, complete the free application for federal student aid, and annually thereafter unless the student's program of study is not eligible for federal financial aid;
2. annually complete the on-line application for an M.J. Foster Promise Program award;
3. make steady academic progress as defined in §2203;
4. remain in good academic standing at the college in which enrolled;
5. maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of the scholarship and grant program rules;

6. maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which letter grades are issued;

7. not be incarcerated and not have a conviction for any crime of violence as defined in R.S. 14:2(B);

8. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

9. have received the award for not more than three consecutive academic years unless an exception for cause is granted in accordance with §2103 of these rules;

10. have not used the award to earn more than 60 hours of college credit.

B. A recipient may continue to receive an award under this section after he has completed one or more qualified programs of study other than an associate's degree if:

1. he continues to meet all of the continuing eligibility requirements set forth in §2207.A; and

2. he has not exhausted the maximum award eligibility of \$6,400; and

3. he has not received the award for three years.

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 48:1095 (April 2022), amended LR 50:180 (February 2024).

§2209. Responsibilities of Eligible Colleges

A. Initial Eligibility. Eligible colleges must determine:

1. that an applicant meets the enrollment requirements at the college;

2. that an applicant is enrolled in an eligible program of study;

3. that an applicant has attained a high school diploma or is co-enrolled in a program to attain a high school equivalency diploma; and

4. the appropriate award amount for the student as determined in accordance with §2201.G. and its M.J. Foster Promise Program packaging policy.

B. Continuing Eligibility. Eligible Louisiana institutions must determine whether a recipient is in good academic standing.

C. Packaging Policy

1. Eligible colleges must establish and use a policy on M.J. Foster Promise 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 I of this Section;

c. the basis used to establish award amounts;

d. award amounts for less than full-time students;

e. procedures for identification of transfer students and ensuring transfer students receive awards on the same basis as home students;

f. procedures that identify students who meet the criteria provided in §2211.F when sufficient funding is not available to fund all eligible students; and

g. method for determining that a student has made steady academic progress.

2. Eligible colleges must revise the institution's M.J. Foster Promise Program packaging policy as necessary to reflect changes to the applicable legislation and

administrative rules promulgated by the board to implement this program.

D. Award Amount. Eligible Louisiana institutions must establish the award amounts for each individual student based on the institution's M.J. Foster 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 shall submit a payment request to LOSFA for students enrolled at the institution who have been determined eligible for an M.J. Foster Promise Program as follows:

1. for each student eligible for an award who is enrolled at the end of the fourteenth class day for semester schools (the ninth class day for quarter and term schools), or for any qualifying summer sessions, students attending proprietary schools, or students enrolled in a program that is not provided on a traditional semester/term basis, at the end of the time to drop and receive a full refund for the course of study in which enrolled;

2. the payment request shall include the:

a. Social Security number;

b. college code;

c. term;

d. date;

e. program type

i. associate's degree;

ii. certificate program (one year);

iii. certificate program (two year);

iv. CareerTech (1 – 8 credits);

v. CareerTech (9 or more credits);

vi. diploma program;

vii. credential of value;

viii. on ramp credential;

ix. concurrent enrollment in a program that results in a high school equivalency diploma.

f. CIP code for the course of study in which enrolled;

g. degree level code for the course of study in which enrolled;

h. increment key for the course of study in which enrolled;

i. amount requested for each student, including \$0 payment requests in the event a student has sufficient other financial to pay the costs set forth in §2201.G;

j. anticipated time to complete program of study

i. less than one year;

ii. more than one year.

F. At the end of every semester or term, or upon completion of a program of study, the following shall be reported:

1. hours attempted, if enrolled in an associate's degree program;

2. hours earned, if enrolled in an associate's degree program; and

3. whether the student completed his program of study.

G. Over Payments

1. No institution shall submit a payment request for M.J. Foster Promise Program funds which would result in a

student receiving an annual total of more than is authorized in §2201.G.

2. Eligible Louisiana institutions certify by submitting a payment request for an M.J. Foster Promise Program award that the institution will:

- a. reimburse LOSFA 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 lifetime award (\$6,400).

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 gift aid, the school 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 gift aid, the school shall document the reason for the excess award.

I. Over Award. In the event the student's total aid exceeds his financial need for the costs set forth in §2201.G, M.J. Foster Promise Program grant shall be reduced, institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, shall be reduced by the amount of any remaining over award.

J. Records Retention. Records pertaining to an M.J. Foster Promise Program award are subject to audit as required by the board and the Louisiana Legislative Auditor. Eligible Louisiana institutions 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.

K. Each eligible Louisiana institution shall provide a copy of its M.J. Foster Program packaging policy as required by §2209.C to LOSFA, when requested.

L. Audits. Eligible Louisiana institutions that participate in the M.J. Foster Promise Program grant LOSFA and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable rules and regulations.

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 48:1096 (April 2022), amended LR 50:181 (February 2024).

§2211. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

B. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-6, 9-10, and B.

C. LOSFA shall provide a roster of eligible applicants to eligible colleges.

D. LOSFA shall pay each eligible college the amount requested by the eligible college in accordance with the provisions of §2209.E.

E. LOSFA shall maintain a database of all students who have received an M.J. Foster Promise Program award, 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.

F. Adequacy of Funding. In the event available funding is not sufficient to fund all eligible award applicants, awards shall be provided first to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received an award.

G. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

H. LOSFA shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

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 48:1097 (April 2022), amended LR 50:182 (February 2024).

§2213. Responsibilities of the Louisiana Board of Regents

A. Advisory Council

1. The Board of Regents shall convene an Advisory Council to perform the following functions for the purpose of identifying qualified programs of study for the M.J. Foster Promise Program:

- a. identify not more than five industry sectors and that lead to high demand, high wage jobs that are aligned to state workforce priorities;
- b. review postsecondary education requirements of each job identified;
- c. identify programs of study at the associate level and below that lead to the identified jobs in each industry sector; and
- d. at least once every three years, review the state's return on investment in awards made.

2. Identification of industry sectors, high demand high wage jobs, and required degrees and credentials of the identified jobs shall, at a minimum, be based upon the following:

- a. a review of the most current statewide and regional industry and occupational forecasts approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council;
- b. a review of nationally recognized databases for industry and occupational projections; and
- c. input from the regional development organizations in each region.

3. The advisory council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and to gain employment in the job for which training was received. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs and work-based learning experiences.

4. The advisory council shall identify and compile a list of all federal and state programs, including childcare supplements and other aid or services, that may provide

additional support to award recipients to complete their postsecondary education, provide a copy to the Louisiana Board of Regents and to the Louisiana Office of Student Financial Assistance, which shall post such listing on its website.

5. The advisory council shall consist of the following members:

- a. the chancellor of Louisiana State University at Eunice.
- b. the chancellor of Southern University at Shreveport.
- c. the president of the Louisiana Community and Technical College System.
- d. the commissioner of higher education.
- e. the state superintendent of education.
- f. the secretary of the Louisiana Department of Economic Development.
- g. the executive director of the Louisiana Workforce Commission.
- h. the chairman of the Louisiana Workforce Investment Council.
- i. the secretary of the Louisiana Department of Revenue.

6. The advisory council shall meet by January 1, 2022, and at least once every three years thereafter to review the workforce priorities of the state and each of its workforce regions and designate qualified programs of study.

B. The Board of Regents shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting. The reporting system shall include data on all award recipients and shall include all of the following:

1. the number and percentage of students enrolled in each eligible program of study;
2. the number and percentage of those students who are enrolled in each eligible program of study who are enrolled in a credit hour or in a non-credit hour program of study;
3. the number of credit hours required to complete each credit hour program of study;
4. the length of each non-credit hour program of study;
5. the cost of each program of study;
6. demographic information of award recipients, including age, race, gender, and household income;
7. the number and percentage of recipients who participated in a program of study that was not eligible for federal financial aid;
8. the number and percentage of recipients who were determined ineligible for federal financial aid;
9. the number and percentage of students who were determined to be unable to complete the free application for federal student aid (FAFSA) due to extenuating circumstances;

10. the mean length of time required for award recipients to complete a qualified program as compared to other completers who did not receive the award;

11. pre-and post-award employment information, including employment status, annual wages, and employer's industry sector; and

12. recidivism rates of award recipients.

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 48:1097 (April 2022), amended LR 50:182 (February 2024).

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2402#004

RULE

Board of Regents Office of Student Financial Assistance

National Guard Patriot Scholarship
(LAC 28:IV.Chapter 25)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).(SG24214R) 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 25. Louisiana National Guard Patriot Scholarship

§2501. General Provisions

A. Act 279 of the 2023 Regular Session of the Louisiana Legislature establishes the Louisiana National Guard Patriot Scholarship in R.S. 17:4101-4103.

B. Description and Purpose. The Louisiana National Guard Patriot Scholarship provides scholarships to Louisiana National Guard members who are enrolled in a Louisiana public postsecondary institution and who are eligible for the Louisiana National Guard tuition waiver provided for in R.S.29:36.1. This program provides for the payment of mandatory fees charged to the student by the institution as funds are appropriated for such purpose.

C. Effective Date. Awards shall be made, and these rules shall apply, beginning with the 2023-2024 academic year, when funds are appropriated for such purpose.

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 Louisiana National Guard

Patriot 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, the board may seek reimbursement from the student, and if it is further determined that the award was made due to an intentional misrepresentation by the student, then the board shall refer the case to the attorney general and to the Louisiana National Guard. If a student 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 and to the Louisiana National Guard, 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 equal to the amount of mandatory fees charged to the student by the institution as evidenced on the student's fee bill.

2. Each postsecondary institution/provider shall determine the award amount for eligible students based on the requirements in these rules.

3. The award amount provided by this Chapter may be paid for up to 12 semesters, which shall include the fall, spring, and summer semesters at semester schools or up to 16 quarters, which shall include the fall, winter, spring, and summer quarters at quarter schools.

H. The total amount awarded for the National Guard Patriot 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 scholarship in a subsequent semester, quarter, term or intersession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:183 (February 2024).

§2503. 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 includes all semesters, quarters, terms, intersessions during the academic year beginning with the fall semester or term and ending immediately prior to the next fall semester or term.

Administering Agency—the Louisiana Board of Regents (the Board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Eligible Postsecondary Institution—public postsecondary institutions within the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:184 (February 2024).

§2505. Initial Eligibility

A. To be eligible for Louisiana National Guard Patriot Scholarship, a student must:

1. be a member in good standing with the Louisiana National Guard;

2. be enrolled in a Louisiana public postsecondary institution; and

3. be eligible for the Louisiana National Guard tuition waiver provided for in R.S. 29:36.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:184 (February 2024).

§2507. Continuing Eligibility

A. To maintain eligibility to receive a Louisiana National Guard Patriot Scholarship, a student must:

1. be a member in good standing with the Louisiana National Guard;

2. be eligible for the Louisiana National Guard tuition waiver provided for in R.S. 29:36.1 as of the billing date;

3. not have received the scholarship for 12 semesters or 16 quarters, unless granted an extension due to mobilization or call to activity duty. Part-time enrollment, enrollment in a summer sessions or an intersession will count towards the maximum number of semesters or quarters a student is permitted;

4. not be on academic probation; and

5. not have achieved a baccalaureate degree utilizing the funds available to the student for this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:184 (February 2024).

§2509. Responsibilities of Eligible Postsecondary Institutions

A. Eligible postsecondary institutions shall provide LOSFA with the maximum dollar amount of mandatory fees that may be charged to a student during any semester or term by August 1 preceding the upcoming academic year, including any differential charged to students attending more than 12 hours in a semester.

B. Eligible postsecondary institutions shall submit payment requests each semester an eligible student is enrolled for an amount not to exceed the mandatory fees charged to that student on the fee bill. Such payments requests shall include all of the following for each student:

1. first name;
2. middle name;
3. last name;
4. Social security number;
5. date of birth;
6. college code;
7. term code;
8. number of hours enrolled;
9. payment request amount;
10. CIP code;
11. degree level code;

12. increment key;
13. academic standing code; and
14. contact information.

C. If available, postsecondary institutions may report gender and ethnicity.

D. Prior to submitting a payment request, postsecondary institutions shall verify with the Louisiana National Guard that a student is eligible for the tuition waiver provided by R.S. 29:36.1.

E. Over Award. In the event the student's total aid exceeds his financial need or the cost of attendance, any federal loan aid included in the total aid package shall be reduced, then institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, then a TOPS Award, if applicable, then the Louisiana National Guard Patriot Scholarship shall be reduced by the amount of any remaining over award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:184 (February 2024).

§511. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall consult with the Louisiana National Guard regarding the administration of this program, including for the promulgation of administrative rules and the determination of a student's initial and continuing eligibility.

B. LOSFA shall determine the maximum mandatory fees charged by the postsecondary institution in which an eligible student is enrolled.

C. LOSFA shall pay each eligible institution/provider the amount requested by the eligible college in accordance with the provisions of §2509.

D. LOSFA shall maintain a database of all students who have received the Louisiana National Guard Patriot Scholarship, including, but not limited to, all information reported by eligible colleges in accordance with §2409. 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.

F. LOSFA shall provide a report to the Louisiana National Guard and to the Louisiana Board of Regents on October 1 and again on March 1 of each academic year that funds are appropriated for this scholarship detailing the dollar amount of funds expended as compared to the remaining annual appropriation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:185 (February 2024).

§2513. Responsibilities of the Louisiana Board of Regents

A. The Louisiana Board of Regents shall promulgate administrative rules to implement the provisions of Act 279 of the 2023 Regular Session of the Louisiana Legislature.

B. In the event that funds appropriated for this scholarship are insufficient to fund all eligible students, the Louisiana Board of Regents shall consult with the Louisiana

National Guard to develop a plan for the distribution of available funding and shall deliver such plan to LOSFA for implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:185 (February 2024).

§2515. Responsibilities of the Louisiana National Guard

A. The Louisiana National Guard shall provide a list of students who are eligible for the tuition waiver provided by R.S. 29:36.1 to LOSFA no later than the beginning of each semester/quarter/term/intersession and at any time that additional students become eligible for the tuition waiver.

B. The Louisiana National Guard shall consult with the Louisiana Board of Regents to develop a plan for the distribution of funding in the event of a budget shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 50:185 (February 2024).

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Senior Attorney

2402#006

RULE

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

TOPS and TOPS Core Curriculum
(LAC 28:IV.301, 701, 703, 704, 803, and 804)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).(SG24212R) 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 3. Definitions

§301. 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.

* * *

Louisiana Resident—

a. any independent student or any dependent student with at least one parent or court-ordered custodian who has resided in the state for a minimum of 24 consecutive months immediately preceding the month of high school graduation or the month of May in the academic year (high school) that a student completes a home study program or some other period of residency which is required to qualify the person for a specific program administered by the board. To qualify for a program under Part IV of these rules, in addition to the certification of residency found on

the application form, the board may require an independent student applicant or the parent(s) or court-ordered custodian of a dependent student applicant to show proof of residency. 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 or court-ordered custodian 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 voters 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;

b. any member of the Armed Forces on active duty whose official state of legal residence is Louisiana as demonstrated by the member's DD Form 2058 validated by the member's military personnel officer or other documentary proof and who has filed a Louisiana tax return for the most recent two years in compliance with Clause a.iv above;

c. any member of the Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than 180 days after reporting to such station, changes his military DD Form 2058 to reflect Louisiana as his state of legal residence, and complies with all Louisiana income tax laws and regulations while stationed in Louisiana. A copy of the permanent change of station (PCS) orders and a DD Form 2058 validated by the member's military personnel officer and showing Louisiana as the member's state of legal residence must be submitted to the Louisiana Office of Student Financial Assistance (LOSFA) at the time the service member's dependent applies for TOPS. The DD Form 2058 must reflect that it was filed within 180 days after the member reported to duty at a duty station in Louisiana;

d.i. through the 2014-2015 academic year, a parent or court-ordered custodian who is living outside the United States and its territories, is actively engaged in work or another activity on behalf of a Louisiana employer or sponsor, and is not on active duty with the United States armed forces, may meet the residency requirement for dependent students by providing a sworn affidavit with supporting evidence that the parent or court-ordered custodian complies with all of the following:

(a). was a resident of Louisiana who actually lived in Louisiana for at least the 24 months preceding the date he started the work or activity outside the United States and its territories;

(b). was assigned duties outside the United States and its territories by a Louisiana employer or sponsor and continues to be employed by the employer or perform duties for the sponsor through the date of the student's graduation from high school or completion of a home study program approved by BESE;

(c). has remained a resident of Louisiana through the date of the student's graduation from high school or completion of a home study program approved by BESE. Evidence may include a Louisiana voters registration card, a Louisiana driver's license, a Louisiana registration for an owned vehicle, a Louisiana tax return, notarized affidavits, copies of correspondence from the employer or sponsor providing the reason for living outside the United States and its territories and the time period of the work or activity, copies of visas, copies of foreign housing documentation, and copies of other documents that demonstrate a presence in Louisiana or a foreign country during the required period of time;

ii. beginning with the 2023-2024 academic year, a parent or court-ordered custodian who is living outside the United States and its territories may meet the residency requirement for dependent students by providing a sworn affidavit with supporting evidence that the parent or court-ordered custodian complies with all of the following:

(a). was a resident of Louisiana who actually lived in Louisiana for at least the 24 months preceding the date he began living outside the United States or its territories;

(b). he is not on active duty with the United States Armed Forces; and

(c). has remained a resident of Louisiana through the date of the student's graduation from high school or completion of a home study program approved by BESE. Evidence may include a Louisiana voters registration card, a Louisiana driver's license, a Louisiana registration for an owned vehicle, Louisiana tax returns, notarized affidavits, copies of visas, copies of foreign housing documentation, and copies of other documents that demonstrate a presence in Louisiana or a foreign country during the required period of time.

e. effective for high school graduates beginning with academic year (high school) 2002-2003, any independent or dependent student who actually resides in Louisiana during his last two full years of high school. In order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

f. effective for high school graduates beginning with academic year (high school) 2000-2001, any dependent student who actually resided in Louisiana during his last two full years of high school and whose parent is a member of the United States Armed Forces living in Louisiana under permanent change of station orders, but who does not claim Louisiana as his official state of legal residence. In order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

g. effective for high school graduates of academic year (high school) 2001-2002 and 2002-2003, any dependent student who was continuously enrolled in a Louisiana public high school or nonpublic high school that is approved by

BESE during his last two full years of high school, whose parent or court-ordered custodian:

- i. is a resident of a state that adjoins Louisiana; and
- ii. actually resides in a county that adjoins a Louisiana parish having a population greater than 41,600 and less than 42,400 according to the federal 2000 census; and
- iii. has filed a Louisiana state income tax return and complied with state income tax laws and regulations; or
- iv. is assessed ad valorem taxes on property owned in Louisiana;
- v. in order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school.

h. for any dependent student graduating from an out-of-state high school during the 2006-2007 academic year (high school) whose parent or court-ordered custodian was a member of the United States armed forces who, in the year 2006, moved from Louisiana under permanent change of station orders and retired from the armed forces, and changed his military personnel records to reflect a change of his state of legal residence from Louisiana to another state, shall meet the requirements of this Item, provided that such parent or court-ordered custodian changes his military personnel records from the other state to reestablish Louisiana as his state of legal residence no later than July 1, 2007, and has filed a Louisiana state income tax return for the two years preceding the date of the dependent's graduation from high school.

* * *

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 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1880 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:486 (March 2018), LR 45:1172 (September 2019), LR 48:479 (March 2022), LR 50:185 (February 2024).

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§701. General Provisions

A. - E.11.c. ...

12. Beginning with the 2023-2024 academic year (College), a student who receives the tuition waiver provided by R.S. 17:1688 for disabled veterans shall receive the tuition exemption provided in that Section in lieu of a TOPS Award.

F. - G.2. ...

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), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36:2854 (December 2010), LR 40:1002 (May 2014), LR 41:663 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1881 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:504 (March 2018), LR 48:483 (March 2022), LR 50:187 (February 2024).

§703. Establishing Eligibility

A. - A.4.g.ii. ...

5.a. graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3 and complete the core curriculum specified for the applicable graduating class as set forth in §704.

A.5.b. - M.2.b. ...

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 48:484 (March 2022), LR 48:1761 (July 2022), LR 48:2732 (November 2022), LR 49:46 (January 2023), LR 50:187 (February 2024).

§704. Opportunity, Performance, and Honors Award Core Curriculum and Equivalents

A. Core Curriculum

1. For students graduating in academic year (high school) 2001-2002 and prior, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
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 (BESE); or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1 credit) Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics and Animation (1/2 credit) Introduction to Business Computer Applications (1 credit) Multimedia Productions (1 credit) Technology Education Computer Applications (1 credit) Telecommunications (1/2 credit) Web Mastering (1/2 credit) Word Processing (1 credit) Independent Study in Technology Applications (1 credit)

2. For students graduating in academic year (high school) 2002-2003 through 2003-2004, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
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 (BESE); or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

3. For students graduating in academic year (high school) 2004-2005 through 2005-2006, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved

by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry*, Calculus or comparable Advanced Mathematics *Trigonometry cannot be used to fulfill this requirement for students graduating in Academic Year (High School) 2005-2006 and thereafter
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

4. For students graduating in academic year (high school) 2006-2007, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry*, Calculus or comparable Advanced Mathematics *Trigonometry cannot be used to fulfill this requirement for students graduating in Academic Year (High School) 2005-2006 and thereafter
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Database Design and Programming (1/2 or 1 credit) Database Programming with PL/SQL (1/2 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Digital Media I (1/2 or 1 credit) Digital Media II (1/2 or 1 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Java Programming (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

5. Beginning with the graduates of academic year (high school) 2007-2008 through 2012-13, at the time of high school graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the

student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
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; provided however, that such Agriscience unit shall not be considered a science elective for the purpose of the math or science elective requirement below)
1	An elective from among the following math subjects: Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, 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], Integrated Mathematics III or the following science subjects: Biology II, Chemistry II, Physics or Physics II
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE) or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum). BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Database Design and Programming (1/2 or 1 credit) Database Programming with PL/SQL (1/2 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Digital Media I (1/2 or 1 credit) Digital Media II (1/2 or 1 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Java Programming (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit)

Units	Course
	Independent Study in Technology Applications (1/2 or 1 credit)

6. Beginning with the graduates of academic year (high school) 2013-14 through 2016-2017, 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 Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
2	Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, Advanced Math – Pre-Calculus, Advanced Math – Functions and Statistics, Integrated Mathematics III
1	Biology
1	Chemistry
2	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
2	World History, Western Civilization, World Geography or History of Religion
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit)
1	Fine Arts Survey; (or substitute one unit of a performance course in music, dance, or theater; or substitute one unit of a visual art course; or substitute one unit of a studio art course; or substitute one unit of drafting)
2	Foreign Language, both units in the same language

7. Beginning with the graduates of academic year (high school) 2017-2018, 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 Louisiana 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

Units	Course
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 AP Microeconomics
Foreign Language - 2 Units	
2	Foreign Language, both 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
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	

8. Beginning with the graduates of academic year (high school) 2021-2022, 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 Louisiana 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	
2	Foreign Language, both 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

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	

9. 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

Units	Course
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: AP Computer Science A;
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	

10. Beginning with the graduates of academic year (high school) 2027-2028, at the time of high school graduation, an applicant must have successfully completed 20 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: AP Computer Science A;
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;;

Units	Course
1	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
1	Financial Literacy

NOTE: AP = Advanced Placement
IB = International Baccalaureate

Core Curriculum Equivalents.

1. For students graduating in academic year (high school) 2007-2008 and prior, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government

*Applied Mathematics III was formerly referred to as Applied Geometry

2. For students graduating in academic year (high school) 2006-2007 through the 2008-2009 academic year (high school), for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III

Core Curriculum Course	Equivalent (Substitute) Course
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, 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]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

3. For students graduating in academic year (high school) 2009-2010, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

4.a. For students graduating in academic year (high school) 2010-2011 through academic year (high school) 2016-17, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II

Core Curriculum Course	Equivalent (Substitute) Course
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
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;	Anatomy and Physiology
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

b. For students graduating in academic year (high school) 2013-2014 only, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, in addition to the equivalent courses identified in §704.B.4.a. above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
World History, Western Civilization, World Geography or History of Religion	Law Studies

c. For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §704.B.4.a. above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
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	AP Computer Science A

4. For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the

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

TOPS Core Course	Equivalent (Substitute) Course
Algebra I, Geometry, and Algebra II	Integrated Mathematics I, II, and III
Algebra III	Additional Math: Cambridge IGCSE
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	AP Computer Science A
Arabic	Arabic: Cambridge AICE-AS
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Biology II	Human Anatomy and Physiology Microbiology
IB Biology II	Biology II, Cambridge AICE-AS
Calculus I	Math 2 (Part 1): Cambridge AICE – A Level
Calculus II	Math 2 (Part 2): Cambridge AICE- A Level
Chemistry II	Organic Chemistry I
IB Chemistry II	Chemistry II: Cambridge AICE – AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Cambridge AICE-AS
English I	English Language Part 1: Cambridge IGCSE English Literature Part 1: Cambridge IGCSE
English II	English Language Part 2: Cambridge IGCSE English Literature Part 2: Cambridge IGCSE
English III	English Language Part 1: Cambridge AICE-AS Literature in English Part 1: Cambridge AICE-AS
English IV	English Language Part 2: Cambridge AICE-AS Literature in English Part 2: Cambridge AICE-AS
Environmental Science	Environmental Awareness

TOPS Core Course	Equivalent (Substitute) Course
European History	History European: Cambridge AICE-AS
Foreign Language, both 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	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Japanese	Japanese: Cambridge AICE-AS
Physical Science	Principles of Engineering PLTW Principles of Engineering
Physics I	Physics I: Cambridge IGCSE
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Math 1 (Pure Math): Cambridge AICE-AS
Probability and Statistics	Statistical Reasoning Math 1 (Probability and Statistics): Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
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	Physical Geography Geography: Cambridge AICE-AS
World History	History International: Cambridge AICE-AS
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

5. For students graduating in academic year (high school) 2026-2027 and after, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

TOPS Core Course	Equivalent (Substitute) Course
Algebra I, Geometry, and Algebra II	Integrated Mathematics I, II, and III
Algebra III	Additional Math: Cambridge IGCSE
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	AP Computer Science A
Arabic	Arabic: Cambridge AICE-AS
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Biology II	Human Anatomy and Physiology Microbiology
IB Biology II	Biology II, Cambridge AICE-AS
Calculus I	Math 2 (Part I): Cambridge AICE – A Level
Calculus II	Math 2 (Part 2): Cambridge AICE- A Level
Chemistry II	Organic Chemistry I
IB Chemistry II	Chemistry II: Cambridge AICE – AS
Chinese	Chinese: Cambridge AICE-AS
Computer Science	Computer Science Computer Coding as a Foreign Language I Computer Coding as a Foreign Language II
Economics	Cambridge AICE-AS
English I	English Language Part 1: Cambridge IGCSE English Literature Part 1: Cambridge IGCSE
English II	English Language Part 2: Cambridge IGCSE English Literature Part 2: Cambridge IGCSE
English III	English Language Part 1: Cambridge AICE-AS Literature in English Part 1: Cambridge AICE-AS
English IV	English Language Part 2: Cambridge AICE-AS Literature in English Part 2: Cambridge AICE-AS
Environmental Science	Environmental Awareness
European History	History European: Cambridge AICE-AS

TOPS Core Course	Equivalent (Substitute) Course
Foreign Language, both 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	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV Indigenous Language I Indigenous Language II
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Japanese	Japanese: Cambridge AICE-AS
Physical Science	Principles of Engineering PLTW Principles of Engineering
Physics I	Physics I: Cambridge IGCSE
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Math 1 (Pure Math): Cambridge AICE-AS
Probability and Statistics	Statistical Reasoning Math 1 (Probability and Statistics): Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
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	Physical Geography Geography: Cambridge AICE-AS
World History	History International: Cambridge AICE-AS
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

C. 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. above, or §803.A.6.a.

1. For students graduating in academic year (high school) 2017-2018 and after:

- a. 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
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

b. 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

TOPS Core Course	International Baccalaureate
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

c. 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

d. 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
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

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
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
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

e. 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
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)-Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

2. For students graduating in academic year (high school) 2021-2022 and after:

a. 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

TOPS Core Course	Advanced Placement
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
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

b. 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

TOPS Core Course	International Baccalaureate
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

c. 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

d. Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Pre Calculus	Trigonometry	CMAT 1223

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
African American History	African American History	CHIS 2103
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
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

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
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
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
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

e. 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
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS

TOPS Core Course	Honors
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

3. For students graduating in academic year (high school) 2026-2027 and after:

a. 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
AP Computer Science A	AP Computer Science A
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
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	AP Computer Science A AP Pre-Calculus
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

TOPS Core Course	Advanced Placement
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
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

b. 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

TOPS Core Course	International Baccalaureate
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

c. 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

d. 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

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
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
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 Introduction to African American Literature	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313 CENL2403
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

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
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
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

e. 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

TOPS Core Course	Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

D.1. Through academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a. above, in addition to the courses identified in §704.B, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
	Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry
Physics	PH 110L Conceptual Physics (1 unit), or PH 210L General Physics (1 unit), or PH 250L Advanced Placement Physics (1 unit), or PH 310L Physics with Calculus
Biology II	BI 210L Advanced Placement Biology (1 unit), or BI 231L Microbiology (1/2 unit), and BI 241 Molecular and Cellular Biology (1/2 unit)
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit), and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

2. Beginning with the academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a. above, in addition to the courses identified in §704.B., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English III	EN 210 Composition/Major Themes in Literature (1 unit)
English IV	Any 2 of the following 1/2 unit courses: EN 311 Readings in Literature (at least one 311 course is a requirement) EN 311A American Literature EN 311B British Literature EN 302 Studies in the English Language EN 304 Topics in American and British Literature EN 312 Studies in Poetry EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author—Shakespeare EN 422 Studies in a Major Author—

Core Curriculum Course	Equivalent (Substitute) Course
English II	EN 110 Introduction to Writing and Literature (1 unit)
English III	EN 210 Composition/ Literature (1 unit)
English III	1/2 unit EN 311A and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author—Shakespeare EN 422 Studies in a Major Author—Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance

Core Curriculum Course	Equivalent (Substitute) Course
English IV	1/2 unit EN 311B or EN 311W and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author— Shakespeare EN 422 Studies in a Major Author— Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Advanced Math	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Advanced Math
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry
Biology II	Any combination of 1/2 unit Biology Lab science courses which equal 1 unit of course credit that are certified by the school to be equivalent of Biology II: BI 210L Cells and Genetics and BI 202L Evolution and Biodiversity (1 unit combined), or 1 unit from the following 1/2 unit courses: BI 231L Microbiology BI 253L Botany BI 246L Ecology
Chemistry II	Any combination of 1/2 unit Chemistry lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Chemistry II: CH 201L and CH 202L (1 unit combined) or 1 unit from the following 1/2 unit courses: CH 313L Analytical Chemistry, CH 314L Polymer Chemistry
Physics I	PH 101L and PH 102L Accelerated Physics I (1 unit combined), or PH 201L and PH 202L Accelerated Physics II (1 unit combined)
Physics II	Any combination of 1/2 unit Physics lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Physics II, or PH 301L and PH 302L (1 unit combined) or 1 unit from the following 1/2 unit courses: PH 203L Intro to Astronomy; PH 303L Observational Astronomy and Astrophotography PH 305L Electronics PH 306L Astrophysics

Core Curriculum Course	Equivalent (Substitute) Course
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit) and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
Advanced Social Studies	Any combination of history courses certified by the school to be the equivalent of one unit of World History, World Geography, Western Civilization, AP European History: 1 unit of credit from the following 1/2 unit courses: EH 231 History of Tudor-Stuart England EH 232 History of Modern Britain EH 244A European Intellectual History WH 244 Selected Topics in World History

E. Beginning with academic year (high school) 2013-2014, for purposes of satisfying the requirements of §703.A.5.a.i above, in addition to the courses identified in §703.A.5.a.ii, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the New Orleans Center for Creative Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English I	NOCCA Integrated English I
English II	NOCCA Integrated English II
English III	NOCCA Integrated English III
English IV	NOCCA Integrated English IV
Algebra I	NOCCA Integrated Mathematics I
Geometry	NOCCA Integrated Mathematics II
Algebra II	NOCCA Integrated Mathematics III
Advanced Math—Functions and Statistics	NOCCA Integrated Mathematics IV
Physical Science	NOCCA Integrated Science I
Biology	NOCCA Integrated Science II
Environmental Science	NOCCA Integrated Science III
Chemistry	NOCCA Integrated Science IV
World Geography	NOCCA Integrated History I
Civics	NOCCA Integrated History III
World History	NOCCA Integrated History II
U. S. History	NOCCA Integrated History IV

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 50:188 (February 2024).

Chapter 8. TOPS-Tech Award §803. Establishing Eligibility

A. - A.5. ...

6. if qualifying under the terms of §803.A.5.a, at the time of high school graduation:

a. have successfully completed one of the following core curriculums:

i. high school course work constituting the TOPS core curriculum for the Opportunity, Performance and Honors Awards as defined in §704 and documented on the student's official transcript as approved by the Louisiana Department of Education;

ii. high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the TOPS-Tech core curriculum for the applicable year as set forth in §804.

A.6.c. - F.2.ii. ...

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), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:40 (January 2021), LR 47:866 (July 2021), amended LR 47:870 (July 2021), LR 49:51 (January 2023), LR 50:205 (February 2024).

§804. TOPS-Tech Award and Core Equivalents

A. Core Curriculum

1. 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
1	Algebra I (1 unit) or Applied Algebra IA and IB (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)

2. 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.

3. 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	
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.

4. 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

Core Curriculum—TOPS-Tech Award	
Units	Course
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.

5. For students graduating in the 2017-2018 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.

6. For students graduating in the 2026-2027 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.
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.

7. For students graduating in the 2027-2028 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
1	Geometry or an applied Geometry course
1	Financial Literacy
1	Algebra II, Math Essentials, 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.

B. Core Curriculum Equivalents

1. For students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

2. For students graduating in academic year (high school) 2018 and after, for purposes of satisfying the requirements of §803.A.6., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

Core Curriculum Course	Equivalent (Substitute) Course
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	Probability and Statistics; Transition to College Mathematics; Statistical Reasoning

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 50:206 (February 2024).

Robyn Rhea Lively
Senior Attorney

2402#005

RULE

Office of the Governor Board of Pardons and Committee on Parole

Virtual Meetings
(LAC 22:XI.Chapter 6)

The Board of Pardons and Committee on Parole have adopted LAC 22:XI.601-607 as authorized by R.S. 42:14 and 42:17.2 regarding virtual meetings. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The Rule provides the manner in which the public will be notified that the Board of Pardons and Committee on Parole will be holding a virtual meeting. The Rule also provides for the various ways in which the public may submit comments either prior to the virtual meeting or during the virtual meeting. Lastly, the Rule outlines the procedures that will be followed by the Board of Pardons and Committee on Parole during a virtual meeting. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 6. Virtual Meetings

§601. Definitions

Anchor Location—shall be board hearing room at 704 Mayflower Street, Baton Rouge, or any other physical location from which the meeting originates as provided in R.S. 42:17.2.

Chairman—shall mean the chairman of the Board of Pardons and Committee on Parole (committee), or designee.

Quorum—shall mean a majority of members of the Committee on Parole, including those present at either the

anchor location or participating in the meeting via electronic means.

Recording Secretary—shall mean the member of the board's staff responsible for recording the meeting.

Virtual Meeting—shall have the same meaning as "meeting via electronic means" as provided in R.S. 42:17.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14 and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 50:209 (February 2024).

§603. Notifying the Public of a Virtual Meeting

A. The committee shall post the agenda for the virtual meeting in accordance with the Louisiana Open Meetings Law, R.S. 42:11. The agenda for the virtual meeting shall specifically identify the meeting as a virtual meeting, or a meeting that will be conducted via electronic means, and shall include the following:

1. the anchor location for the virtual meeting;
2. an electronic link to access the virtual meeting;
3. instructions for joining the virtual meeting;
4. email address for the public to submit electronic comments prior to the virtual meeting;
5. the final date and time by which members of the public may submit electronic comments prior to the virtual meeting.

B. The electronic link, instructions for joining the virtual meeting, and email address to submit comments shall be placed on the board's website once the agenda is posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14 and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 50:209 (February 2024).

§605. Public Comment Prior to and during a Virtual Meeting

A. Members of the public wishing to participate in a virtual meeting may do so.

B. Members from the public wishing to provide public comment on any agenda item prior to the virtual meeting may do so by emailing those comments to the email designated on the agenda and the board's website. Such public comment(s) shall include the following information:

1. the individual's name;
2. entity/company represented (if applicable);
3. title/position (if applicable);
4. agenda item for which he/she is providing comment.

C. Members of the public wishing to provide public comment during the virtual meeting may do so in any one of the following manners:

1. by using an audio and/or video device at such time when the chairman calls for public comment on that agenda item;
2. by using the text feature within the software during the virtual meeting;
3. if attending the virtual meeting at the anchor location, by filling out a public comment card and providing it to the recording secretary. The recording secretary will then forward the public comment card to the chairman to read into the record when discussing that agenda item.

D. All public comments, both those submitted prior to the virtual meeting or during the virtual meeting, will be

acknowledged and read into the record at the appropriate time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14 and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 50:209 (February 2024).

§607. Procedure During a Virtual Meeting

A. Upon commencement of the meeting, all members of the public shall be muted. Once the meeting is called to order, the chairman shall state that this is a virtual meeting of the Committee on Parole and shall provide the manner in which the public may submit or make comments during the meeting.

B. Prior to the introduction of the first agenda item, the recording secretary shall take roll to establish a quorum. Members of the committee may either be present at the anchor location or participate via electronic means.

1. Unless a member of the committee has requested an accommodation, in order to participate in a virtual meeting via electronic means, they must participate via audio and video. As such, any member of the board participating via electronic means must be visually present throughout the meeting.

2. In the event a board member's audio or video capabilities are compromised, he/she may no longer be counted for purposes of a quorum, and thus, may not vote on any agenda item for which the audio or video was compromised.

3. A member of the board who is physically present at the anchor location and visible through the anchor location's camera shall satisfy the requirements for purposes of a quorum and participation.

C. Prior to action on an agenda item, the chairman shall read into the record the following:

1. any public comment received prior to the meeting (if any);

2. any public comment received during the meeting via public comment card, "chat" function, etc. (if any);

3. profanity and inappropriate language is prohibited and shall not be read into the record.

D. Prior to action on an agenda item, the chairman shall also ask if anyone from the public is present, either via electronic means or at the anchor location, and wishes to speak on those agenda item(s). If anyone from the public wishes to speak, the chairman shall allow him/her reasonable time to do so.

E. In accordance with R.S. 42:29(A)(5), all votes taken at a virtual meeting shall be by roll call vote.

F. To the extent possible, the board shall follow any and all procedures that it follows for its non-virtual meetings.

G. After the conclusion of a virtual meeting, a recording of the meeting shall be made available to the public via the committee's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14 and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 50:210 (February 2024).

Sheryl Ranatza
Board Chair

2402#003

RULE

**Department of Health
Board of Dentistry**

**Continuing Education Requirements
(LAC 46:XXXIII.1611)**

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.1611. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 16. Continuing Education Requirements

**§1611. Continuing Education Requirements for
Relicensure of Dentists**

A. - G.2. ...

H. In order to renew permits for the administration of general anesthesia or moderate sedation, each full licensee shall complete an in person adult sedation course of a minimum of 6 hours pertinent to the level of their sedation permit no less than once every license period, with this requirement only beginning in the second renewal period after the permit is issued. If the permit has a pediatric certification, then the aforementioned 6 hours must address pediatric sedation. If the permit holder has a pediatric certification, the permit holder must take both the adult and the pediatric sedation courses for a total of 12 in-person hours. If the permit holder has a pediatric certification and sedates only persons below the age of 13, and signs a certification to that effect, then only the 6 hour in-person pediatric sedation course is necessary. These hours will count towards the requirement of §1611.A.1. The CPR, ACLS, and PALS courses required in §§1503 and 1504 do not count toward the requirements set forth in this Section. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

I. Dentists successfully completing the calibration training for the administration of the clinical licensing examination administered by a testing agency approved of by the board may be awarded up to 20 hours of clinical continuing education per each renewal period.

J. ...

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 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:244 (February 2006), LR 35:1237 (July 2009), LR 36:2038 (September 2010), LR 37:2151 (July 2011), LR 37:3515 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:817 (March 2012), LR 38:1959 (August 2012), LR 39:1282 (May 2013), amended by the Department of Health, Board of Dentistry, LR 43:956 (May

2017), amended by the Department of Health, Board of Dentistry, LR 44:47 (January 2018), LR 50:210 (February 2024).

Arthur Hickham, Jr.
Executive Director

2402#024

RULE

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

Home and Community-Based Behavioral Health
Services Waiver
Coordinated System of Care Discharge Criteria
(LAC 50:XXXIII.8103)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health has amended LAC 50:XXXIII.8103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

**Subpart 9. Home and Community-Based Services
Waiver**

Chapter 81. General Provision

§8103. Recipient Qualifications

A. - B. ...

C. Recipients shall be discharged from the waiver program if one or more of the following criteria is met:

1. - 4. ...

5. the recipient or his/her parent or guardian disengaged from services, evidenced by lack of face-to-face contact for a minimum of 60 consecutive calendar days or by failure to cooperate in the re-evaluation assessment at least every 180 days;

6. - 7. ...

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 38:366 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2361 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:324 (February 2017), LR 44:1895 (October 2018), LR 46:183 (February 2020), LR 50:211 (February 2023).

Ralph L. Abraham, M.D.
Secretary

2402#031

RULE

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

Home and Community-Based Services Waivers
Supports Waiver
(LAC 50:XXI.Chapters 53-61)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Chapters 53-61 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 XXI. Home and Community-Based Services
Waivers**

Subpart 5. Supports Waiver

Chapter 53. General Provisions

§5301. Purpose

A. The mission of this waiver is to create options and provide meaningful opportunities that enhance the lives of individuals with intellectual and/or developmental disabilities through employment and day service supports in the community. The goals of the supports waiver are as follows:

1. - 3. ...

B. Allocation of Waiver Opportunities. The Office for Citizens with Developmental Disabilities (OCDD) maintains the developmental disabilities request for services registry (DDRSR), hereafter referred to as “the registry,” which identifies persons with intellectual and/or developmental disabilities who are found eligible for developmental disabilities services using standardized tools, and who request waiver services.

1. - 3. ...

4. OCDD waiver opportunities shall be offered based on the following priority groups:

a. Individuals living at publicly operated intermediate care facilities for the developmentally disabled (ICF/IIDs) or who lived at a publically operated ICF/IID when it was transitioned to a private ICF/IID through a cooperative endeavor agreement (CEA facility), or their alternates. Alternates are defined as individuals living in a private ICF/IID who will give up the private ICF/IID bed to an individual living at a publicly operated ICF/IID or to an individual who was living in a publicly operated ICF/IID when it was transitioned to a private ICF/IID through a cooperative endeavor agreement. Individuals requesting to transition from a publicly operated ICF/IID are awarded a slot when one is requested, and their health and safety can be

assured in an OCDD waiver. This also applies to individuals who were residing in a publicly operated facility at the time the facility was privatized and became a CEA facility.

b. ...

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 32:1604 (September 2006), amended LR 40:2583 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2531 (December 2017), LR 48:1574 (June 2022), LR 50:211 (February 2024).

Chapter 55. Target Population

§5503. Denial of Admission or Discharge Criteria

A. Beneficiaries shall be denied admission to, or discharged from, the supports waiver if one of the following criteria is met:

1. ...

2. the beneficiary does not meet the requirement for an ICF/IID level of care;

3. - 4. ...

5. the beneficiary is admitted to an ICF/IID or nursing facility with the intent to stay and not to return to waiver services:

a. ...

b. the beneficiary will be discharged from the waiver on the ninety-first day if the participant is still in the ICF/IID or nursing facility;

6. - 8. ...

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 for Citizens with Developmental Disabilities, LR 40:2584 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1575 (June 2022), LR 50:212 (February 2024).

Chapter 57. Covered Services

§5701. Supported Employment Services

A. Supported employment services consists of intensive, ongoing supports and services necessary for a beneficiary to achieve the desired outcome of employment in a community setting where a majority of the persons employed are without disabilities. Beneficiaries utilizing these services may need ongoing supports for the life of their employment due to the nature of their disability, and natural supports may not meet this need.

B. Supported employment services provide supports in the following areas:

1. ...

2. job assessment, discovery and development, placement; and

B.3. - C. ...

D. Transportation is a separate billable component for supported employment services, both individual and group. Transportation may be billed on the same day as a supported employment service is delivered.

E. ...

F. Supported employment services may be furnished by a coworker or other job-site personnel under the following circumstances:

1. ...

2. these coworkers meet the pertinent qualifications for the providers of the service.

G. Service Limitations

1. Services for job assessment, discovery and development in individual jobs and self-employment shall not exceed the number of units as defined in a plan of care year and must have a prior authorization.

2. Services for job assessment, discovery and development in group employment shall not exceed the number of units as defined in a plan of care year and must have a prior authorization.

3. Services for individual initial job support, job retention and follow-along shall not exceed the number of units of service as defined in a plan of care year and must have prior authorization. Individual job follow-along services may be delivered virtually.

4. Services for initial job support, job retention and follow-along in group employment shall not exceed the number of units of service as defined in a plan of care year and must have prior authorization.

H. Restrictions

1. Beneficiaries receiving individual and/or group supported employment services may also receive other services in the same service day. However, these services cannot be provided at the same time of the day.

2. All virtual individual supported employment services must be documented and included in the plan of care. Virtual delivery of group supported employment is not allowed.

I. - 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 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48: LR 48:1575 (June 2022), LR 50:212 (February 2024).

§5703. Day Habilitation

A. ...

B. Day habilitation is the overarching service and may be delivered in a combination of these two service types:

1. onsite day habilitation; and

2. community life engagement.

NOTE: Day habilitation services may be delivered virtually and be included in the approved plan of care.

3. Repealed.

C. - D. ...

E. Transportation is a separate billable component for day habilitation services. A day habilitation service must be billed on the same day that transportation is billed. Transportation cannot be billed if the service is delivered virtually.

F. Service Limitations. Services shall not exceed the number of units of service as defined in a plan of care year and must have a prior authorization.

G. Restrictions

1. Beneficiaries receiving day habilitation services may also receive other services on the same day but not at the same time of the day.

2. All virtual delivery of day habilitation services must be on an approved plan of care.

H. 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, Office for Citizens with Developmental Disabilities, LR 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014), amended by Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1576 (June 2022), LR 50:212 (February 2024).

§5705. Prevocational Services

A. Prevocational services are individualized, person centered services that assist the beneficiaries in establishing their path to obtain individualized community employment. This service is time limited and targeted for people who have an interest in becoming employed in individual jobs in the community, but who may need additional skills, information, and experiences to determine their employment goal and become successfully employed. Beneficiaries receiving prevocational services may choose to leave this service at any time or pursue employment opportunities at any time. Career planning must be a major component of prevocational services and should include activities focused on beneficiaries becoming employed to their highest ability.

B. Prevocational services is the overarching service and may be delivered in a combination of these two service types:

1. onsite prevocational; and
2. community career planning.

NOTE: Prevocational services may be delivered virtually.

3. Repealed.

C. - D. ...

E. Prevocational services may also include assistance in personal care with activities of daily living.

F. Transportation is a separate billable component for prevocational services. A prevocational service must be billed on the same day that transportation is billed. Transportation cannot be billed if the prevocational service is delivered virtually.

G. Service Limitations. Services shall not exceed the number of units of service as defined in a plan of care year and must have a prior authorization.

H. Restrictions

1. Beneficiaries receiving prevocational services may also receive other services on the same day but cannot be provided during the same time of the day.

2. All virtual prevocational services must be included on the approved plan of care.

I. Prevocational services are not available to individuals who are eligible to participate in programs that are available and funded under section 110 of the Rehabilitation Act of 1973 or sections 602 (16) or (17) of the Individuals with Disabilities Education Act [20 U.S.C. 1401 (26 and 29)], as

amended, and those covered under the state plan, if applicable.

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 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1577 (June 2022), LR 50:213 (February 2024).

§5707. Respite

A. Respite care is a service provided on a short-term basis to a beneficiary who is unable to care for himself/herself due to the absence or need for relief of those unpaid persons normally providing care for the beneficiary.

B. Respite may be provided in a licensed respite care facility that is determined to be appropriate by the beneficiary or other responsible party, or may be provided in the beneficiary's home or private place of residence.

C. - 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, Office for Citizens with Developmental Disabilities, LR 32:1606 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2586 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1577 (June 2022), LR 50:213 (February 2024).

§5709. Habilitation

A. Habilitation offers services designed to assist the beneficiary in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community settings.

B. Habilitation is provided in the home or community, includes necessary transportation, and is included on the plan of care as determined to be appropriate.

C. Habilitation services may include, but are not limited to:

1. ...
2. travel training activities in the community that promote community independence, to include but not limited to, place of individual employment, church, or other community activity. This does not include group supported employment, day habilitation, or prevocational sites.

D. - E. ...

F. Beneficiaries receiving habilitation may use this service in conjunction with other supports waiver services as long as other services are not provided during the same period in a day.

NOTE: Beneficiaries who are age 18 through 21 may also receive available services as outlined on their plan of care through the Early Periodic Screening, Diagnosis and Treatment (EPSDT) Program, if applicable. Beneficiaries who are age 21 and older may receive available services as outlined on their plan of care through the Long-Term Personal Care Services (LT-PCS) Program, if applicable.

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 32:1606 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2586 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1577 (June 2022), LR 50:213 (February 2024).

§5713. Personal Emergency Response System

A. A personal emergency response system (PERS) is an electronic device connected to the beneficiary's phone which enables a beneficiary to secure help in the community. The system is programmed to signal a response center staffed by trained professionals when a "help" button is activated.

B. ...

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 by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2587 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1578 (June 2022), LR 50:214 (February 2024).

§5715. Support Coordination

A. Support coordination is a service that will assist beneficiaries in gaining access to all of their necessary services, as well as medical, social, educational, and other services, regardless of the funding source for the services. Support coordinators shall be responsible for on-going monitoring of the provision of services included in the beneficiary's approved plan of care.

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 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, Office for Citizens with Developmental Disabilities, LR 40:2587 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1578 (June 2022), LR 50:214 (February 2024).

§5717. Housing Stabilization Transition Services

A. Housing stabilization transition services enable beneficiaries who are transitioning into a permanent supportive housing unit, including those transitioning from institutions, to secure their own housing. The service is provided while the beneficiary is in an institution and preparing to exit the institution using the waiver. The service includes the following components:

1. conducting a housing assessment to identify the beneficiary's preferences related to housing (i.e., type, location, living alone or with someone else, need for accommodations, and other important preferences), and his/her needs for support to maintain housing, including:

A.1.a. - C.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, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:81

(January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1578 (June 2022), LR 50:214 (February 2024).

§5721. Dental Services

A. - A.10. ...

B. Dental Service Exclusions

1. ...

2. Non-covered services include but are not limited to the following:

a. - e. ...

f. routine post-operative services — these services are covered as part of the fee for initial treatment provided;

B.2.g. - 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, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1579 (June 2022), LR 50:214 (February 2024).

§5723. Community Life Engagement Development

A. Community life engagement development (CLED) facilitates the development of opportunities to assist beneficiaries in becoming involved in the community. The purpose of CLED is to find the opportunities that encourage and foster the development of meaningful relationships in the community reflecting the beneficiary's choices and values. Objectives outlined in the comprehensive plan of care will afford opportunities to increase community inclusion, participation in leisure/recreational activities, and encourage participation in volunteer and civic activities. To utilize this service, the beneficiary may or may not be present. CLED services may be performed by a staff person for up to three waiver beneficiaries who have a common provider agency for day services and supports. Rates shall be adjusted accordingly.

B. Transportation costs are included in the reimbursement for CLED services.

C. Service Limitations. Services shall not exceed the number of units as defined in the beneficiary's plan of care and must have a prior authorization.

D. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 50:214 (February 2024).

§5725. Specialized Medical Equipment and Supplies

A. Incontinence briefs and supplies are available for a beneficiary, 21 years or older, who has a physician's order and requires the use of incontinence briefs and supplies.

B. Service Restrictions

1. This service is for those who are 21 years of age or older.

2. This service requires a physician's order.

C. Service Limitations

1. The cost cannot exceed \$2,500 in a single plan of care year.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 50:214 (February 2024).

Chapter 59. Provider Participation
§5901. General Provisions

A. ...

B. If the transportation component for supported employment, day habilitation, and/or prevocational services is provided by the provider, the provider must have insurance coverage that meets current home and community-based services providers licensing standards on any vehicles used in transporting a beneficiary.

C. In addition to meeting the requirements cited in this §5901.A and B, providers must meet the following requirements for the provision of designated services.

1. - 7. ...

8. Specialized Medical Equipment and Supplies. Providers of this service must be enrolled to participate in the Medicaid Program as a provider of assistive technology, specialized medical equipment, and supplies.

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), LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, Office for Citizens with Developmental Disabilities, LR 40:2587 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48:1579 (June 2022), LR 50:215 (February 2024).

§5903. Electronic Visit Verification

A. ...

B. Reimbursement shall only be made to providers with use of the EVV system. The services that require use of the EVV system include the following: in home respite, center-based respite, habilitation, day habilitation, prevocational services, and supported employment services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:1288 (July 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:1579 (June 2022), LR 50:215 (February 2024).

Chapter 61. Reimbursement
§6101. Unit of Reimbursement

A. The reimbursement for all services will be paid on a per claim basis. The reimbursement rate covers both service provision and administration. Services which utilize a prospective flat rate of one-quarter hour (15 minutes) will not be paid for the provision of less than one-quarter hour of service.

B. Supported Employment Services. Reimbursement shall be a prospective flat rate for each approved unit of service provided to the beneficiary. A standard unit of

service in both individual and group supported employment services is one-quarter hour (15 minutes). A standard unit for individual ongoing follow along and job assessment is a fee for service rate.

C. - J. ...

K. Community Life Engagement Development. Reimbursement shall be a prospective flat rate for each approved unit of service provided to the beneficiary. One-quarter hour (15 minutes) is the standard unit of service.

L. Transportation. Reimbursement shall be a prospective flat rate for each approved unit of service provided to the beneficiary. A standard unit is a daily rate.

M. Specialized Medical Equipment and Supplies. Reimbursement shall be a prospective flat rate for each approved unit of service provided to the beneficiary.

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 49:1072 (June 2023), LR 50:215 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#032

RULE

Department of Health
Bureau of Health Services Financing

Home Health Program
American Rescue Plan Act
(LAC 50:XIII.801)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XIII.801 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—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 March 2025.

2. - 4. ...

5. HHAs shall disburse the entire payment to the nurse and are prohibited from reducing the payment for any purpose other than required state or federal withholdings.

A.6. - C.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, Bureau of Health Services Financing, LR 49:875 (May 2023), amended LR 50:215 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#033

RULE

Department of Health Bureau of Health Services Financing

Medicaid Eligibility
Incurred Medical and Remedial Care Expenses
(LAC 50:III.941)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:III.941 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 1. General Administration

Chapter 9. Financial Eligibility

Subchapter D. Incurred Medical

§941. Incurred Medical and Remedial Care Expenses

A. In accordance with 42 C.F.R. Part 435 Subparts H and I, certain medical and remedial care expenses incurred by institutionalized individuals and individuals receiving home and community-based services furnished under a waiver, subject to the reasonable limits specified herein, are deducted from the individual's income in the calculation of patient liability.

B. Reasonable limits imposed are:

1. For medically necessary care, services, and items not paid under the Medicaid State Plan or, if covered under the Medicaid State Plan, denied due to service limitations.

a. The medical or remedial care must be:

i. recognized under state law;

ii. medically necessary as verified by an independent licensed physician or medical director; and

iii. incurred no earlier than three months preceding the month in which it is reported to the state; and

b. The medical or remedial care cannot be:

i. for cosmetic or elective purposes, except when medically necessary as verified by an independent licensed physician or medical director; and/or

ii. for payment of a medical or dental service plan that has not been approved by the Department of Insurance in accordance with the Louisiana Insurance Code, Title 22 of the *Louisiana Revised Statutes*.

2. The deduction for medical and remedial care expenses that were incurred as a result of imposition of transfer of assets penalty period is limited to \$0.

3. The deduction for medical and remedial care expenses that were incurred as a result of the individual's equity interest in the home exceeding the limit established under 42 U.S.C. §139p(f) is limited to \$0.

4. The deduction for medical or remedial care expenses that were incurred during a period when the individual is not subject to patient liability is limited to \$0.

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 50:216 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#034

RULE

Department of Health Bureau of Health Services Financing

Medical Transportation Program
Emergency Medical Transportation
(LAC 50:XXVII.Chapter 3)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXVII.Chapter 3 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 XXVII. Medical Transportation Program

Chapter 3. Emergency Medical Transportation

Subchapter A. Reserved.

Subchapter B. Ground Transportation

§325. Reimbursement

A. The Medicaid reimbursement for ground ambulance services is the rate established in the state fee schedule for emergency ambulance transport, basic life support, advanced life support and mileage, oxygen, intravenous fluids, and disposable supplies administered during the emergency ambulance transport minus the amount paid by any liable third party coverage.

B. - J. ...

K. Effective for dates of service on or after July 1, 2023, the reimbursement rates for emergency ground ambulance transportation services shall be reimbursed based on the Louisiana Medicaid fee schedule.

EXCEPTION: Except as otherwise noted in the plan, state-developed fee schedule rates are established separately for governmental, New Orleans-based governmental, and private providers of ambulance transportation services to account for cost variability across these provider types and to maintain access to care through alignment with historic payment levels.

1. The agency's fee schedule rate, set as of July 1, 2023, is effective for services provided on or after that date. All rates are published on the agency's website at: <https://www.lamedicaid.com>.

2. The fee schedule was established as a function of historical rates in effect as of January 1, 2023 plus an enhancement which was calculated to achieve total fee schedule reimbursement as a percentage of average commercial rates (ACR), with the clarifications listed within Subparagraph a through c below:

a. governmental ambulance providers include those ambulance providers who are owned or operated by a public organization such as state, federal, parish, or city entities;

b. New Orleans-based governmental ambulance providers include ambulance providers located within the city of New Orleans; and

c. private ambulance transportation providers include corporations, limited liability companies, partnerships, or sole proprietors. Private providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1248 (June 2010), LR 36:2564 (November 2010), LR 37:3029 (October 2011), LR 39:1285 (May 2013), LR 40:1379 (July 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 50:216 (February 2024).

§327. Supplemental Payments for Ambulance Providers

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments shall be issued to qualifying ambulance providers for emergency medical transportation services rendered during the quarter if the department has received an appropriation from the legislature for these payments.

B. - H. ...

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 40:1530 (August 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 50:217 (February 2024).

§331. Enhanced Reimbursements for Qualifying Emergency Ground Ambulance Service Providers

A. Emergency Medical Transportation

1. Qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-b shall

receive enhanced reimbursement for emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan if the department has received an appropriation from the legislature for these payments.

2. Effective for dates of service on or after July 1, 2019, qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-d shall receive enhanced reimbursement for non-emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan if the department has received an appropriation from the legislature for these payments.

B. - E.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, Bureau of Health Services Financing, LR 42:1890 (November 2016), amended LR 45:1598 (November 2019), LR 50:217 (February 2024).

Subchapter C. Aircraft Transportation §351. Standards for Participation

A. Rotor winged (helicopters) and fixed winged emergency aircraft must be certified by the Department of Health, Bureau of Health Services Financing in order to receive Medicaid reimbursement. All air ambulance services must be provided in accordance with state laws and regulations governing the administration of these services.

B. ...

C. Prior Approval. Prior approval shall not be required for emergency air ambulance transportation services, including mileage. Approval shall be done during post payment review and shall not be completed prior to service delivery. Claims for payment of emergency air ambulance transportation services are received and reviewed retrospectively. The clinical documentation for each emergency air ambulance transportation service shall not be required for submission concurrent with the claim. If required, clinical documentation shall be required post claim submission.

1. Air ambulance claims will be reviewed and a determination will be made based on the following requirements. Air ambulance services are covered only if:

a. speedy admission of the beneficiary is essential and the point of pick-up of the beneficiary is inaccessible by a land vehicle; or

b. great distance or other obstacles are involved in getting the beneficiary to the nearest hospital with appropriate services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 50:217 (February 2024).

§353. Reimbursement

A. - B. ...

C. If a ground ambulance must be used for part of the transport, the ground ambulance provider will be reimbursed separately according to the provisions governing emergency ground transportation.

D. - I.2. ...

J. The reimbursement rates for emergency and non-emergency, rotor winged and fixed winged air ambulance transportation services shall be reimbursed based on the Louisiana Medicaid fee schedule. These rates include both in state and out-of-state air ambulance transportation. The agency's fee schedule rate was set as of January 1, 2022 and is effective for services provided on or after that date. All rates are published on the agency's website at: <https://www.lamedicaid.com>.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2564 (November 2010), amended LR 37:3029 (October 2011), LR 39:1285 (May 2013), LR 40:1379 (July 2014), LR 42:277 (February 2016), amended by the Department of Health, Bureau of Health Service Financing, LR 50:217 (February 2024).

§355. Supplemental Payments for Ambulance Providers

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments shall be issued to qualifying ambulance providers for emergency medical air transportation services rendered during the quarter if the department has received an appropriation from the legislature for these payments.

B. - H. ...

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 40:1531 (August 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 50:218 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#035

RULE

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

**Medical Transportation Program
Non-Emergency Medical Transportation
American Rescue Plan Act
(LAC 50:XXVII.531)**

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXVII.531 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—GENERAL

Part XXVII. Medical Transportation Program

**Chapter 5. Non-Emergency Medical Transportation
Subchapter E. Non-Emergency Medical Transportation
American Rescue Plan Act**

§531. Non-Emergency Medical Transportation Bonus Payments

A. ...

1. Non-emergency medical transportation (NEMT) providers that are fully credentialed in the Medicaid Program may be eligible to receive a bonus payment under the Department of Health's (LDH) American Rescue Plan Act (ARPA) NEMT Program until the program's federal funds are exhausted or through the conclusion of the program.

2. Fully credentialed NEMT providers who meet all eligibility requirements are entitled to a monthly disbursement of \$500 per vehicle, for up to three vehicles per month, totaling a maximum payment of \$1,500 per month per transportation provider. The managed care organization (MCO) will determine eligibility for monthly payments based on the NEMT provider's ongoing compliance for all provider, driver, and vehicle requirements set forth by the Medicaid Program and the LDH ARPA NEMT Program.

3. ...

4. The MCO will provide a weekly report to LDH containing all newly acquired NEMT providers. LDH will assign each active NEMT provider to an affiliated MCO.

5. The MCO will administer all payments for the LDH ARPA NEMT Program.

a. - e. Repealed.

6. In order to receive payments under the LDH ARPA NEMT Program, the NEMT provider shall do the following:

a. accede to all provisions of the LDH ARPA NEMT Program and execute a contractual agreement with the MCO, solely for the distribution of ARPA funds;

b. maintain ongoing compliance for all provider, driver, and vehicle requirements set forth by the Medicaid Program;

c. submit reporting and credentialing documentation for all drivers and vehicles within their individual company used for NEMT services on a monthly basis. Failure to meet both LDH and the MCO's time requirements shall result in loss of the monthly bonus payment; and

d. submit a monthly attestation to the MCO which certifies the accuracy of the submitted supporting and credentialing documentation.

7. NEMT services are ineligible and shall not be submitted as a completed service if the status of the NEMT service rendered results in one of the following:

a. the provider is a no-show;

b. no NEMT vehicle is available;

c. no NEMT driver is available; or

d. the NEMT provider is late which causes the beneficiary to miss his or her scheduled Medicaid covered service.

B. - B.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, Bureau of Health Services Financing, LR 49:877 (May 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 50:218 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#036

RULE

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

Nursing Facilities
Optional State Assessment
(LAC 50:II.10123 and 20001)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:II.10123 and §20001 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 46:2742 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 II. Nursing Facilities
Subpart 3. Standards for Payment
Chapter 101. Standards for Payment for Nursing
Facilities
Subchapter D. Resident Care Services
§10123. Comprehensive Assessment**

A. - G.4.c. ...

H. Effective for assessments with assessment reference dates of October 1, 2023 and after, the department mandates the use of the optional state assessment (OSA) item set. The OSA item set is required to be completed in conjunction with each assessment and at each assessment interval detailed within this Section. The OSA item set must have an assessment reference date that is identical to that of the assessment it was performed in conjunction with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and R.S. 46:2742.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 22:34 (January 1996), amended by the Department of Health, Bureau of Health Services Financing, LR 46:695 (May 2020), LR 46:1684 (December 2020), LR 50:219 (February 2024).

**Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20001. General Provisions**

A. Definitions

Minimum Data Set (MDS)—a core set of screening and assessment data, including common definitions and coding categories that form the foundation of the comprehensive assessment for all residents of long-term care nursing facility providers certified to participate in the Medicaid Program. The items in the MDS standardize communication about resident problems, strengths, and conditions within nursing facility providers, between nursing facility providers, and between nursing facility providers and outside agencies. The Louisiana system will employ the current required MDS assessment as approved by the Centers for Medicare and Medicaid Services (CMS), or as mandated by the Department of Health through the use of the optional state assessment (OSA).

Optional State Assessment (OSA)—assessment required by Louisiana Medicaid to report on Medicaid-covered stays. Allows nursing facility providers using RUG-III or RUG-IV models as the basis for Medicaid payment to do so until the legacy payment model (RUG-III) ends.

Patient Driven Payment Model (PDPM)—the proposed new Medicare payment rule for skilled nursing facilities. The PDPM identifies and adjusts different case-mix components for the varied needs and characteristics of a resident’s care and then combines these with a non-case-mix component to determine the full skilled nursing facilities (SNF) prospective payment system (PPS) per diem rate for that resident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 28:1473 (June 2002), repromulgated LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2262 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1522 (September 2016), LR 43:525 (March 2017), LR 43:2187 (November 2017), LR 46:695 (May 2020), LR 46:1684 (December 2020), LR 50:219 (February 2024).

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.

Ralph L. Abraham, M.D.
Secretary

2402#037

RULE

**Department of Health
Emergency Response Network Board**

Louisiana Stroke Center Recognition
(LAC 48:I.Chapter 187)

The Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and amended LAC 48:I.Chapter 187, Requirements for Stroke Center Recognition, §18703.A.3, §18705.A.5. and A.6, and §18708.D., as approved by the Emergency Response Network Board in a meeting of August 17, 2023, as authorized by R.S. 40:2846(A) and R.S. 40:2845(A)(7). The amendments clarify when primary stroke centers, both PSC-E and PSC, are required to submit quarterly data to LERN, clarifies the data needed for acute stroke center hospital (ASCH) recognition by LERN, and provides with respect to the failure to submit stroke center data to LERN. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 15. Emergency Response Network

**Chapter 187. Requirements for Louisiana Stroke
Center Recognition**

§18703. Stroke Center Criteria

A. - A.2. ...

3. PSC-E: a primary stroke center (PSC-E) shall meet the requirements specified by the joint commission, healthcare facilities accreditation program (HFAP), or other LERN approved accrediting/certification body for Primary Stroke Center verification. Attestation as a PSC-E is only allowed after verification by the joint commission, HFAP, or other LERN approved accrediting/certification body that the facility meets all requirements set forth in the PSC standards. In addition to PSC requirements, a PSC-E must have physician(s) credentialed to perform mechanical thrombectomy and must update resource management portal of endovascular availability at all times. If a physician credentialed to perform endovascular capability is not available, the PSC-E must notify all EMS providers in the region when endovascular resources are not available. The PSC-E must collect and submit quarterly to LERN the same data the joint commission requires the Thrombectomy Stroke Capable centers to collect and any other data as required by LERN.

4. - 6.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:1088 (August 2020); amended by the Department of Health, Emergency Response Network LR 50:220 (February 2024).

§18705. Attestation for Stroke Center Recognition

A. - A.4. ...

5. A center or hospital seeking ASRH recognition must submit data which, at a minimum, meets door to needle metric for ASRH recognition for the two consecutive quarters immediately preceding the submission date. Although a center or hospital seeking ASRH stroke center recognition is not required to obtain certification by an external certifying body, a hospital which submits a copy of ASRH certification by a LERN-recognized organization, such as the joint commission, HFAP or other LERN approved accrediting/certification body, shall be assumed to meet the requirements for recognition. Hospitals must all meet LERN ASRH requirements and approved data submission requirements.

6. Each center or hospital shall submit proof of continued compliance every two years by submission of an affidavit by its CEO. The CEO may submit a revised attestation at any point during the two year period, as appropriate, when a change in resources or certification occurs.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 40:2590 (December 2014), amended by the Department of Health, Emergency Response Network LR 46:1089 (August 2020); amended by the Department of Health, Emergency Response Network, LR 50:220 (February 2024).

§18708. Failure to Submit Stroke Data to LERN

A. - C. ...

D. If an ASRH fails to meet the performance metrics after two quarters of participation in data review, the board appointed stroke committee may temporarily demote the facility to a stroke bypass hospital until the next board meeting, when the board appointed stroke subcommittee will present the blinded data to the board for a vote on demotion to stroke bypass hospital versus continued remediation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A) and 48:2845(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 46:1089 (August 2020); amended by the Department of Health, Emergency Response Network, LR 50:220 (February 2024).

Paige Hargrove
Executive Director

2402#007

RULE

Department of Health Health Standards Section

Facility Need Review (LAC 48:I.Chapter 125)

The Department of Health, Health Standards Section has repealed and replaced LAC 48:I.Chapter 125 in its entirety as authorized by R.S. 36:254 and R.S. 40:2116 et seq. 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 5. Health Planning

Chapter 125. Facility Need Review

Subchapter A. General Provisions

§12501. Definitions

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

Abeysance of Nursing Facility Beds—a situation in which a nursing facility, if it meets certain requirements, may have all (but not only a portion) of its approved beds disenrolled from the Medicaid Program without causing the approval for the beds to be revoked after 120 days.

Adult Residential Care Provider (ARCP)—a facility, agency, institution, society, corporation, partnership, company, entity, residence, person or persons, or any other group, that provides adult residential care services for compensation to two or more adults who are unrelated to the licensee or operator. Adult residential care includes, but is not limited to the following services: lodging, meals, medication administration, intermittent nursing services, and assistance with personal hygiene, assistance with transfers and ambulation, assistance with dressing, housekeeping and laundry. For the purposes of this Facility Need Review (FNR) Rule, ARCP refers to an entity that is or will be licensed as an ARCP level 4-adult residential care provider. All ARCPs that have received FNR approval prior to August 1, 2022 shall retain FNR approval unless such FNR approval has expired. Facility need review approval is not required for any ARCP that is initially licensed August 1, 2022 or thereafter.

Agonist—a drug that activates certain receptors in the brain.

Antagonist—a drug that blocks opioids by attaching to the opioid receptors without activating them. Antagonists cause no opioid effect and block full agonist opioids. Examples of antagonists include, but are not limited to naltrexone and naloxone.

Applicant—the person who is developing the proposal for purposes of receipt of FNR approval for the healthcare facility or provider beds to proceed to apply for licensure, and/or certification by the Louisiana Department of Health (LDH).

Applicant Representative(s)—the person(s) specified by the applicant on the FNR application form to whom written notifications are provided relative to the status of the application during the review process.

Application—the required and completed FNR form(s), documentation, fee, and any other required information.

Approval—a determination by the FNR committee that an application meets the requirements of the FNR program for purposes of proceeding with licensure and/or certification by the department.

Behavioral Health Services (BHS)—mental health services, addictive disorders and substance use disorders treatment services, or combination of such services, for adults, adolescents, and children.

Behavioral Health Services Provider (BHSP)—a facility, agency, institution, person, society, corporation, partnership, unincorporated association, group, or other legal entity that provides behavioral health services or, presents itself to the public as a provider of behavioral health services. For the purposes of this Rule, FNR shall be applied to providers or applicants who elect to provide psychosocial rehabilitation services, community psychiatric support and treatment services, and/or opioid treatment program services licensed under a BHSP license.

CMS—Centers for Medicare and Medicaid Services.

Community Home—a type of community residential facility that has a capacity in accordance with R.S. 28:451.2, or current law.

Community Psychiatric Support and Treatment (CPST) Services—behavioral health services as defined in Title 48, Chapter 56.

Department—the Louisiana Department of Health (LDH).

Denial—a determination by the department's FNR committee that a proposal does not meet the requirements of the Facility Need Review (FNR) program and that the proposed healthcare facility or provider beds may not be licensed and/or certified.

Facility Need Review (FNR)—a review conducted for specific provider types to determine whether there is a need for additional licensed and/or certified healthcare providers and/or beds.

FNR Committee—LDH secretary appointed committee to review and render a decision to approve or deny an FNR application in accordance with R.S. 40:2116, or current law.

FNR Program—the program within LDH, Health Standards Section that oversees the day-to-day operations of FNR application intake and submission to the FNR committee, and communicates with applicants regarding the status of the application, and tracks the status of the decisions of the FNR committee.

Full Agonist—a drug that activates the opioid receptors in the brain fully, resulting in the full opioid effect. Examples of full agonists include, but are not limited to, heroin, oxycodone, methadone, hydrocodone, morphine, and opium.

Geographic Service Area—the geographic area under which a healthcare provider operates and/or provides services pursuant to licensing requirements, and for the purposes of FNR application review, the geographic area in which additional need will be assessed.

Group Home—a type of community residential facility that has a capacity in accordance with R.S. 28:451.2, or current law.

Health Standards Section (HSS)—the section of LDH that is responsible for licensing healthcare facilities,

certifying those facilities that are applying for participation in the Medicaid (Title XIX) and Medicare (Title XVIII) Programs, and conducting surveys and inspections.

Home and Community Based Service (HCBS) Providers—those agencies, institutions, societies, corporations, facilities, person or persons, or any other group intending to provide or providing respite care (RC) services, personal care attendant (PCA) services, supervised independent living (SIL) services, monitored in-home caregiving (MIHC) services, or any combination of services thereof, including RC providers, SIL providers, MIHC providers, and PCA providers.

Hospice—an autonomous, centrally administered, medically directed program providing a continuum of home, outpatient, and homelike inpatient care for the terminally ill patient and his family. It employs an interdisciplinary team to assist in providing palliative and supportive care to meet the special needs arising out the physical, emotional, spiritual, social, and economic stresses that are experienced during the final stages of illness and during dying and bereavement.

Hospice Inpatient Facility—facility where specific hospice levels of care ranging from residential to acute, including respite, are provided in order to meet the needs of the patient/family.

Hospice Outpatient Provider—hospice services are provided to patients in their place of residence (e.g. their home, adult residential care provider, nursing home).

Hospice Providers—hospice inpatient facility or hospice outpatient provider that is licensed by LDH in accordance with the requirements of R.S. 40:2183, or current law.

Hospital Service District—a political subdivision of the state of Louisiana created or authorized pursuant to R.S. 46:1051 et seq., or current law.

Intermediate Care-Level I (IC-I)—a level of care within a nursing facility that provides basic nursing services under the direction of a physician to persons who require a lesser degree of care than skilled services, but who need care and services beyond the level of room and board. Services are provided under the supervision of a registered nurse (RN) seven days a week during the day tour of duty with licensed nurses twenty-four hours a day.

Intermediate Care-Level II (IC-II)—a level of care within a nursing facility that provides supervised personal care and health related services, under the direction of a physician, to persons who need nursing supervision in addition to help with personal care needs. Services are provided under the supervision of a RN 7 days a week during the day tour of duty with licensed nurses 24 hours a day.

Intermediate Care Facility for the Developmentally Disabled (ICF-DD)—a facility that provides developmentally disabled residents with professionally developed individual plans of care, supervision, and therapy in order to attain or maintain optimal functioning.

LDH Administrative Regions—the administrative regions and the parishes that comprise these regions are as follows:

a. Region I: Orleans, Plaquemines, Jefferson, and St. Bernard;

b. Region II: Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana;

c. Region III: Assumption, Lafourche, St. Charles, St. James, St. John, St. Mary, and Terrebonne;

d. Region IV: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion;

e. Region V: Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis;

f. Region VI: Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn;

g. Region VII: Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster;

h. Region VIII: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll; and

i. Region IX: Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.

Major Alteration—any repair or replacement of building materials and equipment that does not meet the definition of minor alteration.

Medicaid Program—the Louisiana medical assistance program administered in accordance with Title XIX of the Social Security Act.

Medicaid Program—the Louisiana medical assistance program administered in accordance with Title XIX of the Social Security Act.

Medication for Opioid Use Disorder—Food and Drug Administration (FDA) approved medication for opioid use disorder utilized to reduce opioid use and harmful opioid related behaviors when used as part of a comprehensive treatment program.

Minor Alteration—repair or replacement of building materials and equipment with materials and equipment of a similar type that does not diminish the level of construction below that which existed prior to the alteration. This does not include any alteration to the function or original design of the construction.

Monitored In-home Caregiving (MIHC) Services—home and community-based services module as defined in LAC 48:I, Chapter 50, pursuant to a HCBS provider license.

Notice of Abeyance—a written notice issued by the department to a nursing facility stating that the criteria for placing all of the facility's approved beds in abeyance have been met.

Nursing Facility (NF)—an institution that is primarily engaged in providing the following services to residents:

a. skilled nursing care and related services for residents who require medical or nursing care;

b. rehabilitation services for the rehabilitation of injured, disabled, or sick persons; or

c. on a regular basis, health-related care and services to individuals who, because of their mental or physical condition, require care and services (above the level of room and board) that can be made available to them only through institutional facilities. Such institutional facilities

are those facilities that are not primarily for the care of mental diseases.

Opioid Agonist Treatment Medication—Food and Drug Administration approved medication to treat Opioid Use Disorder.

Opioid Treatment Program (OTP)—a program that engages in medication-assisted opioid treatment of clients with an opioid agonist treatment medication.

Office of Behavioral Health (OBH)—LDH office and single state agency that is statutorily responsible for the treatment and prevention of addictive disorders and substance use disorders.

Opioid Treatment Program Needs Assessment—the determination of a need for new a new opioid treatment program in a geographic service area(s) by the department's Office of Behavioral Health in accordance with the criteria identified in Section 12527.

Partial Agonist—a drug that activates the opioid receptors in the brain, but to a much lesser degree than a full agonist. Buprenorphine is an example of a partial agonist.

Pediatric Day Health Care (PDHC) Providers—a facility that serves medically fragile individuals under the age of 21, including technology dependent children who require close supervision, in accordance with the requirements of LAC 48:I, Chapter 52.

Person—a human being or juridical person.

Personal Care Attendant (PAC)—home and community-based services module as defined in LAC 48:1, Chapter 50, pursuant to a HCBS provider license.

Physical Location—the specific address, building, or other permanent structure wherein the provider operates its business.

Pre-Approved Beds—beds and/or facilities that are automatically granted FNR approval in accordance with the grandfather provisions of this program.

Program—the Facility Need Review Program.

Psychosocial Rehabilitation (PSR) Services—behavioral health services as defined in Title 48, Chapter 56.

Respite Care (RC) Services—an intermittent service designed to provide temporary relief to unpaid, informal caregivers of the elderly, and/or persons with disabilities, pursuant to a HCBS provider license.

Secretary—the secretary of Louisiana Department of Health (LDH).

Supervised Independent Living (SIL) Services—home and community-based services module as defined in LAC 48:I, Chapter 50, pursuant to an HCBS provider license.

Skilled Nursing Care—a level of care within a nursing facility that provides intensive, frequent, and comprehensive nursing care, and/or rehabilitation services ordered by and under the direction of a physician. Services are provided under the supervision of an RN 7 days a week during the day tour of duty with licensed nurses 24 hours a day. Skilled beds are located in nursing facilities and in distinct parts of acute care hospitals.

Skilled Nursing Facility—a nursing facility with the staff and equipment to give skilled nursing care and/or skilled rehabilitation services, and other related health services.

State Opioid Treatment Authority—the OBH authority within LDH who is designated to exercise the responsibility

and authority within the state for governing the treatment of opioid use disorders within OTPs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:221 (February 2024).

§12503. General Information

A. No healthcare provider designated in R.S. 40:2116 or R.S. 40:2116.1 shall be licensed by LDH and/or certified to participate in the Title XIX program without first obtaining FNR approval and complying with any and all licensing regulations promulgated by LDH. Any person establishing, managing, or operating a facility, provider, service, or bed without the approval required by this Chapter shall immediately cease providing services and shall be prohibited from obtaining a license from LDH and/or participating in the Title XIX program, until FNR approval has been granted by the department.

B. The FNR committee shall consist of the following members:

1. the secretary of LDH, or his designee;
2. the assistant secretary of the Office of Behavioral Health (OBH) of LDH, or his designee;
3. the assistant secretary of the Office for Citizens with Developmental Disabilities (OCDD) of LDH, or his designee;
4. the assistant secretary of the Office of Aging and Adult Services (OAAS) of LDH, or his designee;
5. the assistant secretary of the Office of Public Health (OPH) of LDH, or his designee;
6. the Medicaid director of LDH, or his designee;
7. the Medicaid medical director of LDH, or his designee; and
8. any additional FNR committee members appointed by LDH secretary when necessary in reviewing applications of OTPs, including but not limited to the following individuals:
 - a. the LDH OBH medical director or physician who has expertise in substance use disorder treatment and, in particular, opioid treatment;
 - b. an addiction counselor licensed in the state of Louisiana by Addictive Disorder Regulatory Authority; and
 - c. the Louisiana State Opioid Treatment Authority.

C. The FNR committee will conduct an FNR to determine if there is a need for additional providers, facilities, or beds to be licensed by LDH and/or enrolled to participate in the Title XIX program for the following healthcare facility types, as defined under this Chapter:

1. nursing facilities (NF);
2. skilled nursing facilities;
3. intermediate care facilities for persons with developmental disabilities (ICF-DD);
4. home and community-based service (HCBS) providers of respite care (RC) services, personal care attendant (PCA) services, supervised independent living (SIL) services, and monitored in-home caregiving (MIHC) services;
5. hospice providers;
6. pediatric day health care facilities (PDHC);
7. behavioral health services providers of psychosocial rehabilitation (PSR) services, and community psychiatric support and treatment (CPST) services; and

8. behavioral health service providers of opioid treatment program (OTP) services.

D. The responsibilities and duties of the FNR committee include, but are not limited to:

1. conducting initial and supplemental reviews of each FNR application, as applicable;
2. determining whether each application meets the established criteria for FNR approval; and
3. sending FNR application approval and/or denial notices.

E. No FNR committee member shall have a proprietary or financial interest in any healthcare facility subject to FNR.

F. Except as otherwise provided in the grandfather provisions of these regulations, each healthcare provider designated in R.S. 40:2116 or R.S. 40:2116.1 shall first receive FNR approval before applying to be licensed by LDH and before being certified to participate in the Title XIX program.

G. Grandfather Provision. An approval shall be deemed to have been granted under this program without review for NFs, ICFs/DD, and/or beds that meet one of the following descriptions:

1. all valid Section 1122 approved healthcare facilities/beds;
2. all valid approvals for healthcare facilities/beds issued under the Medicaid Capital Expenditure Review Program prior to the effective date of this program;
3. all valid approvals for healthcare facilities issued under the FNR program; or
4. all NF beds that were enrolled in Medicaid as of January 20, 1991.

H. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers of RC, PCA, SIL, or MIHC services, ICFs/DD, hospice providers, PDHC providers, or BHSPs that meet one of the following conditions:

1. Home and Community Based Service providers that were licensed by January 31, 2009 or had a completed initial licensing application submitted to the department by June 30, 2008;
2. existing licensed ICFs-DD that are converting to the Residential Options Waiver.
3. licensed Adult Day Health Care (ADHC) providers who are enrolled or will enroll in the Louisiana Medicaid Program as a Program for All-inclusive Care for the Elderly (PACE) provider and apply for an HCBS license to provide PCA services as required by the program;
4. hospice providers that were licensed or had a completed initial licensing application submitted to the department by March 20, 2012; or
5. pediatric day health care providers that were licensed by the department before March 1, 2014, or an entity that meets all of the following requirements:
 - a. has a building site or plan review approval for a PDHC facility from the Office of State Fire Marshal by March 1, 2014;
 - b. has begun construction on the PDHC facility by April 30, 2014, as verified by a notarized affidavit from a licensed architect submitted to the department, or the entity had a fully executed and recorded lease for a facility for the

specific use as a PDHC facility by April 30, 2014, as verified by a copy of a lease agreement submitted to the department;

c. submits a letter of intent to the department's HSS by April 30, 2014, informing the department of its intent to operate a PDHC facility; and

d. became licensed as a PDHC by the department no later than December 31, 2014.

6. behavioral health services providers that are licensed to provide PSR and/or CPST, or that have submitted a completed application for licensure as a BHSP that includes PSR and/or CPST, prior to February 20, 2018;

7. behavioral health services providers that are licensed to provide OTP services, or that have submitted a complete application for licensure as a BHSP that includes OTP services prior to January 1, 2024; and

8. behavioral health services providers that fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited mental health rehabilitation providers, that submit a completed BHSP licensing application by December 1, 2017 and become licensed by April 1, 2018.

I. Exemptions from the FNR process shall be made for:

1. a NF that needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or
2. a NF and/or facility building owned by a government entity that is replaced due to a potential health hazard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:223 (February 2024).

§12505. Initial Application and Review Process

A. Facility need review (FNR) applications as defined in the Chapter except for FNR applications that are submitted pursuant to a Request for Proposal (RFP) or Request for Application (RFA) issued by the department will follow the initial application and review process, the supplemental application review process, and the appeal provisions set forth in this licensing Rule. Facility need review applications that are submitted pursuant to a RFP or RFA will follow the application process, the review process, the supplemental review process, the notice provisions, and the appeal provisions that are contained in the individual RFP or RFA.

B. Facility need review applications shall be submitted on 8.5 inch by 11 inch paper that shall not include Health Insurance Portability and Accountability Act (HIPPA) protected information, to the HSS, FNR program manager by one of the following means:

1. via postal service to the designated FNR program mailing address; or
2. electronically via the HSS designated system or software.

C. Application forms may be requested in writing or by telephone from the FNR program, or accessed via the department's designated website.

D. The applicant shall also submit with its application, any written documentation or evidence the applicant believes supports its FNR application, including but not limited to the following examples.

1. Any data/documents regarding waiting lists for the proposed services in the applicant's service area.

2. Any letters from healthcare facilities, medical professionals or others, who have clients/patients/recipients awaiting the proposed services in the applicant's service area.

3. Any data/documentation of complaints about clients/patients/recipients not being able to access the proposed services in the applicant's service area.

4. Any data/documentation about population groups that do not have access to the proposed services in the applicant's service area, to whom the applicant will provide such services.

5. Other data/documentation about the need in the applicant's service area for the proposed services.

6. Other data/documentation about the probability of serious adverse consequences to recipient's ability to access healthcare if the applicant was not allowed to be licensed.

E. The applicant representative specified on the application will be the only person to whom the FNR program will send written notification in matters relative to the status of the application during the review process. If the applicant's application information or representative changes at any time during the review process, the applicant is required to notify the FNR program in writing.

F. The required nonrefundable FNR application fee of \$200 shall be submitted either by mail to the designated payment address or electronically via the HSS designated system or software.

G. The review period of the initial application will be no more than 90 days from receipt of the FNR application, or within the deadlines established in an RFP or RFA; thereafter, a decision will be rendered by the FNR committee. The review period begins on the first day after the date of receipt of the completed application, or, in the case of issuance of an RFP, on the first day after the period specified in the RFP.

1. Each FNR committee member shall receive a copy of the initial application and all documentation submitted for review.

2. The FNR committee shall meet as a committee to review the initial application within the specified time limits, as provided herein.

a. The FNR committee shall meet in-person or through virtual means, including telephone or virtual technology that facilitates synchronous interaction.

b. All members of the FNR committee shall attend the meeting, either in-person or by virtual means. The members shall review the initial application, and the members may request information from the department in considering an application.

c. The FNR committee shall render a decision on the initial application, and such decisions are to be by simple majority decision.

d. The FNR committee's decision may approve the initial application or may deny the initial application. Alternatively, the FNR committee may request that the applicant submit additional or clarifying information and documentation.

e. If the FNR committee decision is to approve or deny the initial application, the FNR committee shall forward written notice to the applicant of such decision. The notice shall include information on supplemental review, appeals, and any additional instructions.

f. If the FNR committee decision is to request additional or clarifying information and documentation from the applicant, the FNR committee shall send written notice to the applicant, requesting the information and documentation by a specific date. The initial application and any additional or clarifying information and documentation shall be considered at the next FNR committee meeting, wherein the FNR committee shall make a decision on the initial application and forward written notice to the applicant of such decision. The notice shall include information on supplemental review, appeal rights, and any additional instructions.

3. Written notice of FNR decision along with required follow-up instructions shall be sent to the applicant by certified mail or by electronic mail with a request for an acknowledgement and a read and delivery receipt, to the applicant representative. Written notice of the FNR committee's request for additional or clarifying information and documentation shall be sent to the applicant by electronic mail with a request for an acknowledgement and a read and delivery receipt.

4. Unless otherwise stated in a specific RFP or RFA, the initial review and decision by the FNR committee shall consider all written materials and documentation submitted by the applicant and shall be conducted as a paper review.

5. If the FNR committee approves the FNR application, then the applicant may proceed with seeking licensure or certification to participate in the Title XIX program, as applicable.

6. If the FNR application is denied, the applicant may choose within 30 calendar days of receipt of notice of denial, to do one of the following:

a. Unless otherwise stated in a specific RFP or RFA, the applicant may file a request for a supplemental review by the FNR committee pursuant to the provisions of this Rule; or

b. In lieu of supplemental review, the applicant may file an administrative appeal, pursuant to the provisions of this Rule. Such request for administrative appeal shall be filed with the Division of Administrative Law (DAL) within 30 calendar days of receipt of the notice of the denial letter.

i. The applicant is not required to request a supplemental review and may elect to proceed directly to an administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:224 (February 2024).

§12507. Supplemental Application Review Process

A. If the applicant decides to request a supplemental review of the denied initial application, a written request for supplemental application review must be received by the department within 30 days of receipt of notice of the denial letter.

B. Upon receipt of the applicant's timely written request to supplement its FNR application, a written confirmation notice will be sent to the applicant informing the applicant that he or she has 30 days to send in any additional documentation and evidence in support of the FNR application, pursuant to the provisions of this Rule.

1. If the applicant fails to timely submit the supplemental materials, the supplemental application is

automatically denied. Written notice of the denial shall be forwarded to the applicant, with information regarding the applicant's right to file an administrative appeal with the DAL.

C. Upon timely receipt of the supplemental materials from the applicant, the FNR committee shall conduct a supplemental application review.

1. As part of the supplemental application review, the applicant is provided with an opportunity to meet with the FNR committee, or its designees. The meeting may be conducted in-person or, at the discretion of LDH, through virtual means, including by telephone or virtual technology that facilitates synchronous interaction, and includes an opportunity for questions from the applicant and/or committee member(s)/designee(s).

2. If the FNR applicant fails to attend the supplemental review meeting, then the FNR committee may proceed to complete the supplemental review by reviewing any supplemental material submitted by the applicant and issue a supplemental review decision. The FNR committee may, at its discretion, elect to re-schedule the supplemental review meeting upon good cause shown by the FNR applicant.

D. Following the meeting, the applicant will have an additional 30 days to submit any other evidence, data, and documentation to further supplement the FNR application. At the conclusion of this step, the FNR committee will meet to consider all the supplemental documentation, data, and evidence submitted by the applicant, as well as the issues discussed at the meeting with the applicant, if applicable.

1. All members of the FNR committee shall meet in-person or through virtual means, including telephone or virtual technology that facilitates synchronous interaction, to complete the supplemental application review process.

2. The FNR committee shall render a decision on the supplemental application within 60 days of the deadline for submission of any additional documentation and evidence by the applicant after the supplemental review meeting; such decisions are to be by simple majority decision.

3. The FNR committee will issue a final decision to either approve the FNR application or deny the FNR application, and shall forward written notice to the applicant of such decision.

a. The written notice of the supplemental application review decision from the FNR committee will be sent to the applicant by certified mail or by electronic mail with a request for acknowledgement and a read delivery receipt.

b. The written notice shall include information on the applicant's right to file an administrative appeal of the denial with the DAL within 30 calendar days of receipt of the supplemental application denial notice.

c. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department, and the decision to deny FNR approval is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:225 (February 2024).

§12509. Administrative Appeal Procedures

A. An applicant who receives a denial of an initial FNR application or denial of a supplemental FNR application may request an administrative hearing within 30 calendar days

after receipt of the department's notice of denial of FNR application.

1. The request for an administrative hearing shall be made in writing to the DAL with a copy of the request also sent to the department's FNR program.

2. The request shall contain a statement setting forth the specific reason with which the applicant disagrees and the reasons for the disagreement.

3. The request shall be considered timely if it is postmarked by the 30th calendar day after receipt of the department's notice of denial.

B. The administrative appeal shall be conducted by the DAL in accordance with the Administrative Procedure Act.

C. Failure to file timely for an administrative appeal shall exhaust the applicant's remedies with the department and the decision to deny FNR approval is final.

D. Unless a timely and proper administrative appeal request is received by the DAL, the findings of the FNR committee shall be considered a final and binding administrative determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:226 (February 2024).

Subchapter B. Determination of Bed, Unit, Facility, or Agency Need

§12513. Intermediate Care Facilities for the Developmentally Disabled

A. Except as otherwise provided in this Chapter, no ICF-DD shall be certified or enrolled to participate in the Title XIX program unless the FNR program has granted an approval for an additional ICF-DD facility or additional ICF-DD beds to be enrolled in the Title XIX program.

B. The geographic service area for a proposed or existing ICF-DD facility is designated as the LDH administrative region in which the facility or proposed facility is or will be located. The administrative regions and the parishes that comprise these regions are as follows:

1. Region I: Jefferson, Orleans, Plaquemines, and St. Bernard;

2. Region II: Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana;

3. Region III: Assumption, Lafourche, St. Charles, St. James, St. John, St. Mary, and Terrebonne;

4. Region IV: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion;

5. Region V: Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis;

6. Region VI: Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn;

7. Region VII: Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster;

8. Region VIII: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll; and

9. Region IX: Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.

C. The beds and population of the geographic service area where the facility is located, or is proposed to be located, will be considered in determining the need for the facility or additional beds. The beds that are counted in

determining the need for community and group homes are licensed and approved Medicaid-enrolled beds as of the due date for a decision on application.

D. Data sources utilized include information compiled by the FNR program and the middle population projections recognized by the State Planning Office as official projections. The population projections utilized are those for the year that the beds are to be enrolled in the Medicaid program.

E. In accordance with the department's policy of least restrictive environment, there is currently no identified need for additional facilities with 16 or more beds. Therefore, applications for facilities of 16 or more beds shall not be accepted for review, and applications to increase existing facilities to 16 or more beds shall not be accepted for review.

F. At the present time, the recommended bed-to-population ratio for community and group homes has been achieved. However, special needs and circumstances may arise that the department may consider as indicators of need for additional beds such as occupancy rates, availability and accessibility of clients in need of placements, patient origin studies, and requests for special types of beds or services.

1. For service areas in which average annual occupancy for the four most recent quarters (as reported in the MR-2) is in excess of 93 percent, the department may review the census data, utilization trends, and other factors described in this Section to determine if additional beds are needed.

G. If the department determines that there is a need for beds in a parish with an average annual occupancy in excess of 93 percent, a Request for Proposals (RFP) or Request for Applications (RFA) will be issued. No applications will be accepted under these provisions unless the department declares a need and issues a RFP or RFA. Applications will be accepted for expansion of existing facilities and/or for the development of new facilities. However, no applications will be considered for any facility with 16 or more beds.

1. The RFP or RFA will indicate the region in need of beds, the number of beds needed, the date that the beds are to be available to the target population (fully licensed and enrolled in Medicaid), and the factors that the department considers relevant in determining the need for the additional beds.

2. The RFP or RFA will specify the MR-2 that the determination of need is based.

3. The RFP or RFA will be issued and will specify the dates that the department will accept applications.

4. Applications will be accepted for a period to be specified in the RFP or RFA. Once submitted, an application cannot be changed and additional information will not be accepted.

5. The RFP or RFA shall specify the following:

- application submission requirements;
- a due date for applications;
- process of review by the FNR committee of any applications timely received, including any supplemental review process;
- notice of selection;
- information on appeals processes for applicants that are not granted FNR approval; and
- other information or requirements for the RFP or its process, as determined by the department.

H. The FNR committee will review the proposals and independently evaluate and assign points to each of the following 10 items on the application for the quality and adequacy of the response to meet the need of the project:

- work plan for Medicaid certification;
- availability of the site for the proposal;
- relationship or cooperative agreements with other healthcare providers;
- accessibility to other healthcare providers;
- availability of funds and financial viability;
- experience and availability of key personnel, as well as compliance history if the applicant is or has been previously licensed as an ICF-DD;
- range of services, organization of services, and program design;
- methods to achieve community integration;
- methods to enhance and assure quality of life; and
- plan to ensure client rights, maximize client choice, and family involvement.

I. A score of 0-20 will be given to the applicant's response to each item using the following guideline:

- 0 = inadequate response;
- 5 = marginal response;
- 10 = satisfactory response;
- 15 = above average response; and
- 20 = outstanding response.

J. In the case of a tie for the highest score for a specific facility or additional beds, the FNR committee will conduct a comparative review of the top scoring proposals that will include prior compliance history. The FNR committee may request and review data from OCDD and HSS on prior compliance history. Subject to Subsection L of this Section, the FNR committee will make a decision to approve one of the top scoring applications based on the comparative review of the proposals.

K. If no proposals are received that adequately respond to the need, the FNR committee may opt not to approve an application. However, the evaluation period may be extended, if provided for in the RFP or RFA.

L. At the end of the 90-day review period, each applicant will be notified of the department's decision to approve or disapprove the application. However, the evaluation period may be extended, if provided for in the RFP or RFA. Applicants will be given 30 days from the date of receipt of the notification by the department in which to file an appeal.

1. The issuance of the approval of the proposal with the highest number of points shall be suspended during the 30-day period for filing appeals and during the pendency of any administrative appeal. All administrative appeals shall be consolidated for purposes of the hearing.

M. Proposals approved under these provisions are bound to the description in the application with regard to type of beds and/or services proposed as well as to the location as defined in the RFP issued by the department.

1. Approval for Medicaid shall be revoked if these aspects of the proposal are altered.

2. Beds to meet a specific disability need approved through this exception shall be used to meet the need identified.

N. Prior approval from the OCDD is required before admission of all Medicaid recipients to facilities in beds

approved to meet a specific disability need identified in an RFP issued by the department.

O. Exception for approved beds in downsizing large residential ICF-DD facilities (16 or more beds).

1. A facility with 16 or more beds that voluntarily downsizes its enrolled bed capacity in order to establish a group or community home shall be exempt from the bed need criteria.

a. Beds in group and community homes that are approved under this exception are not included in the bed-to-population ratio or occupancy data for group and community homes approved under the FNR program.

2. Any enrolled beds in the large facility will be disenrolled from the Title XIX program upon enrollment of the same number of group or community home beds.

3. When the department intends to downsize the enrolled bed capacity of a state-owned facility with 16 or more beds in order to develop one or more group or community homes, and the approved beds will be owned by the state, a cooperative endeavor agreement (CEA) will be issued.

a. The CEA will be issued and beds shall be made available in accordance with the methods described in this Section;

4. For private facility beds downsized to privately owned group or community homes, these facilities should contact the regional OCDD in the region where the proposed community or group home beds will be located. These proposals do not require FNR approval.

P. Exception for Additional Beds for Certain ICFs-DD

1. Any ICFs-DD that serve children or adults suffering from developmental disabilities, autism, or behavioral problems and that had no less than 150 and no more than 180 approved beds as of August 15, 2003, shall, upon application to the department, be granted approval for up to 50 additional beds without being required to meet the standards set forth in this Section, §12505, or §12513.Q.

Q. Group and community home beds shall be enrolled in the Title XIX program within 12 months of the date of approval by the FNR program.

1. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant (e.g. acts of God). Inappropriate zoning is not a basis for an extension.

2. If the beds are not enrolled in the Title XIX program within the time limits specified in this Subsection, the approval will automatically expire.

R. Approval of a group or community home bed shall be revoked when the OCDD advises that the bed that was approved for Title XIX reimbursement to meet a specific disability need identified in a RFP issued by the department, is not being used to meet that identified need based on the facility serving a Medicaid recipient in the bed without prior approval from the OCDD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:226 (February 2024).

§12515. Pediatric Day Health Care Providers

A. No PDHC provider shall be licensed to operate unless the FNR program has granted an approval for the issuance of a PDHC provider license. Once the FNR program approval

is granted, a PDHC provider is eligible to be licensed by the department, subject to meeting all of the requirements for licensure.

B. For purposes of FNR, the geographic service area for a proposed PDHC facility shall be within a 30 mile radius of the proposed physical location where the provider will be licensed.

C. Determination of Need/Approval

1. The FNR committee will review the application to determine if there is a need for an additional PDHC provider in the geographic service area for which the application is submitted.

2. The FNR committee shall approve the FNR application only if the data contained in the application, and other evidence effectively establishes the probability of serious, adverse consequences to recipients' ability to access healthcare if the provider is not allowed to be licensed.

3. In reviewing the application, the FNR committee may consider, but is not limited to, evidence showing:

a. the number of other PDHC providers in the same geographic service area servicing the same population; and
b. allegations involving issues of access to healthcare and services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access healthcare if the provider is not allowed to be licensed. The FNR committee shall not approve an FNR application if the application fails to provide such data and evidence.

D. Applications for approvals of licensed providers submitted under these provisions are bound to the description in the application with regard to the type of services proposed as well as to the physical location and/or geographic service area as defined in the application. Facility need review approval of licensed providers shall expire if these aspects of the application are altered or changed.

E. FNR approvals are non-transferable and are limited to the physical location and the name of the original licensee.

1. A PDHC provider undergoing a change of physical location in the same licensed geographic service area shall submit a written attestation of the change of physical location, including the license number, state identification (ID), current address and new address, and the department shall re-issue the FNR approval with the name and new physical location. A PDHC provider undergoing a change of physical location outside of the licensed geographic service area shall submit a new FNR application and appropriate fee and undergo the FNR approval process.

2. A PDHC provider undergoing a change of ownership shall submit a new application to the department's FNR program, requesting a transfer of the FNR approval to the new owner. Facility need review approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, provided that the legal change of ownership documents require the seller's or transferor's written relinquishment of the FNR approval.

3. FNR approval of a licensed provider shall automatically expire if the provider is moved or transferred to another party, entity, or location without application to and approval by the FNR program.

F. The following timeframes shall apply for complying with the requirements for obtaining approval of architectural plans and licensure.

1. Pediatric Day Health Care facilities that are to be licensed in existing buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within one year from the date of the FNR approval.

2. PDHC facilities that are to be licensed in newly constructed buildings shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within 24 months from the date of the FNR approval.

3. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant.

4. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the PDHC facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:228 (February 2024).

§12517. Nursing Facilities

A. Except as otherwise provided in this Chapter, no nursing facility (NF) shall be licensed and certified or enrolled to participate in the Title XIX program unless the FNR program has granted an approval for an additional NF or additional nursing beds to be licensed and enrolled in the Title XIX program.

NOTE: The statutory moratorium in R.S. 40:2116.1(B), or any successor statute, prohibits the department from issuing new FNR approvals for NF or additional beds in NF until the statutory moratorium expires.

B. The geographic service area for proposed or existing NF or beds is the parish in which the physical location is located.

1. Exception. Any parish that has any portion of the parish below Interstate 10, and that is intersected by the Mississippi River, will be composed of two separate service areas as divided by the Mississippi River.

C. Nursing facility beds located in distinct parts of acute care general hospitals shall be approved through FNR in order to be enrolled to participate in the Medicaid program.

D. In reviewing the need for beds, all proposed beds shall be considered available as of the projected date of the project. The FNR program does not recognize the concept of phasing-in beds, whereby an applicant provides two or more opening dates.

E. For FNRs in which the bed to population ratio is a factor, the bed inventory that will be used is that which is current on the date that the complete application is received.

1. The bed to population ratio will be recomputed during the review period when the report is incorrect due to an error by the department.

F. For FNRs in which utilization is a factor, the occupancy report that will be used is that which is current on the date that the complete application is received.

1. The occupancy rate will be recomputed during the review period when the report is incorrect due to an error by the department.

G. The determination of occupancy rates of nursing facilities or beds shall be as follows:

1. Beds for which occupancy shall be based shall include NF beds (skilled, IC-I, and IC-II) that are enrolled in Title XIX.

2. Each licensed bed shall be considered as available for utilization for purposes of calculating occupancy; and

3. A bed shall be considered in use, regardless of physical occupancy, based on payment for nursing services available or provided to any individual or payer through formal or informal agreement.

H. The beds and population of the geographic service area where the NF is located, or is proposed to be located, will be considered in determining the need for the facility or beds.

1. The beds that are counted in determining need for nursing facilities, are beds that are approved, licensed beds or are approved, unlicensed beds as of the due date for decision on an application.

I. Data sources to be used include information compiled by the FNR program and the middle population projections recognized by the State Planning Office as official projections. Population projections to be used are those for the year that the beds are to be enrolled in the Medicaid program.

J. In order for additional beds or facilities to be added in a service area, the bed-to-population ratio for NF beds shall not exceed 65 Medicaid approved beds per 1,000 elderly population in a service area, and the average annual occupancy for the four most recent quarters (as reported in the LTC-2) shall exceed 95 percent in the service area.

K. Exceptions for areas with high occupancy rates may be considered in the following situations.

1. A Medicaid enrolled NF that maintains 98 percent average annual occupancy of its enrolled beds for the four most recent quarters (as reported in the LTC-2) may apply for approval of additional beds to be enrolled in the Medicaid program.

a. In order for an application to be considered, all approved beds in the facility shall be enrolled in Title XIX.

b. In order for a facility to reapply for additional beds, all approved beds shall be enrolled in Title XIX for the four most recent quarters, as reported in the LTC-2.

c. The number of beds that application may be made shall not exceed 10 beds.

d. In determining occupancy rates for purposes of this exception, only an adjustment of one additional day after the date of death for the removal of personal belongings, shall be allowed if used for that purpose.

i. This adjustment shall not be allowed if nursing services available or provided to another individual are paid for through formal or informal agreement in the same bed for that time period.

e. In determining occupancy rates, more than one NF bed enrolled in Title XIX shall not be considered occupied by the same resident, regardless of payment for nursing services available or provided.

f. For a Medicaid enrolled NF with high occupancy to apply for additional bed approval, documentation of availability of health manpower for the proposed expansion shall be required.

g. For a Medicaid enrolled NF with high occupancy to apply for additional bed approval, for the most recent 36 months preceding the date of application, compliance history

and quality of care performance of the applicant facility shall be void of any of the following sanctions:

- i. appointment of a temporary manager;
- ii. termination, non-renewal or cancellation, or initiation of termination or non-renewal of provider agreement; or
- iii. license revocation or non-renewal.

2. When average annual occupancy for the four most recent quarters (as reported in the LTC-2) exceeds 95 percent in a parish, the department will determine whether additional beds are needed, and if indicated, may issue a Request for Proposals (RFP) or Request for Applications (RFA) to develop the needed beds.

a. Upon issuance of the utilization report, the department will identify the parishes with average annual occupancy in excess of 95 percent. The LTC-2 is issued by the department in the fourth month following the end of each calendar quarter.

b. In order to determine if additional beds are needed for each parish that average annual occupancy is in excess of 95 percent, the department may review the census data, utilization trends, and other factors such as:

- i. special needs in an area;
- ii. information received from other healthcare providers and other knowledgeable sources in the area;
- iii. waiting lists in existing nursing facilities;
- iv. requests from the community;
- v. patient origin studies;
- vi. appropriateness of placements in an area;
- vii. remoteness of an area;
- viii. occupancy rates in adjoining and/or adjacent parishes;
- ix. availability of alternatives;
- x. reasonableness of distance to nursing facilities;
- xi. distribution of beds within a geographic service area; and
- xii. such other factors as the department may deem relevant.

c. The number of beds that can be added shall not exceed 15 percent of the existing approved beds in the parish, or 120 beds, whichever is less. The department will strive to assure that occupancy in existing NF in the area will not decline below 85 percent as a result of the additional beds.

3. If the department determines that there is, in fact, a need for beds in a parish with average annual occupancy in excess of 95 percent, a RFP or RFA will be issued. No applications will be accepted under these provisions unless the department declares a need and issues a RFP or RFA. Applications will be accepted for expansions of existing facilities and/or for the development of new nursing facilities.

a. The RFP will be issued and will specify the dates that the department will accept applications. Also, NF in the geographic service area and adjoining parishes will be notified of the issuance of the RFP.

b. The RFP will indicate the parish and/or geographic service area in need of beds, the number of beds needed, the date that the beds are needed to be available to the target population enrolled in Medicaid, and the factors that the department considers relevant in determining need

for the additional beds. The RFP will specify the LTC-2 that the determination of need is based.

c. Applications will be accepted for a 30-day period, to be specified in the RFP. Once submitted, an application cannot be changed and additional information will not be accepted.

d. The RFP or RFA shall specify the following:

- i. application submission requirements;
- ii. a due date for applications;
- iii. process of review by the FNR committee of any applications timely received, including any supplemental review process;
- iv. notice of selection;
- v. information on appeals processes for applicants that are not granted FNR approval; and
- vi. other information or requirements for the RFP or its process, as determined by the department.

e. The FNR committee will review the proposals and independently evaluate and assign points (out of a possible 120) to the applications as follows:

- i. 0-20 points: availability of beds to the Title XIX population;
- ii. 0-20 points: appropriateness of location or proposed location.
- iii. 0-20 points: responsiveness to groups with special needs (e.g., Acquired Immunodeficiency Syndrome patients, ventilator assisted patients, technology dependent patients);
- iv. 0-20 points: experience and availability of key personnel (e.g., director of nursing, administrator, medical director);
- v. 0-20 points: distribution of beds/facilities within the geographic service area. Geographic distribution of existing beds and population density will be taken into account.

f. A score of 0-20 will be given to the applicant's response to each item using the following guideline:

- i. 0 = inadequate response;
- ii. 5 = marginal response;
- iii. 10 = satisfactory response;
- iv. 15 = above average response; and
- v. 20 = outstanding response.

g. If there is a tie for the highest score for a specific facility or beds, the FNR committee will conduct a comparative review of the top scoring proposals that will include prior compliance history, if applicable. The FNR committee may request and review data from OAAS and HSS on prior compliance history. Subject to K.3.h of this Section, the FNR committee will make a decision to approve one of the top scoring applications based on comparative review of the proposals.

h. If no proposals are received that adequately respond to the need, the department may opt not to approve an application.

i. At the end of the review period, each applicant will be notified of the department's decision to approve or disapprove the application. However, the evaluation period may be extended, if provided for in the RFP or RFA. Applicants will be given 30 days from the date of receipt of the department's notification in which to file an appeal.

j. The issuance of the approval of the application with the highest number of points shall be suspended during the 30-day period for filing appeals and during the pendency of any administrative appeal. All administrative appeals shall be consolidated for purposes of the hearing.

4. Proposals submitted under these provisions are bound to the description in the application with regard to the type of beds and/or services proposed as well as to the site/location as defined in the request issued by the department.

a. Approval for licensing and Medicaid certification shall be revoked if these aspects of the proposal are altered.

L. The following timelines are established for additional NF or beds in NF approved through FNR.

1. Beds that are approved to be added to an existing licensed facility, shall be licensed and enrolled in the Title XIX program within one year of the date of approval by the FNR program.

2. New NF that are approved to be constructed, shall be licensed and enrolled in the Title XIX program within 24 months of the date of the approval by the FNR program.

3. An extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant (e.g., acts of God). Inappropriate zoning is not a basis for extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:229 (February 2024).

§12519. Alternate Use of Licensed Approved Title XIX Beds

A. In a service area in which average annual occupancy is lower than 93 percent, a nursing home may elect to temporarily convert a number of Title XIX beds to an alternate use (e.g., adult day care).

1. The beds may be converted for alternate use until such time as the average annual occupancy in the service area exceeds 93 percent (based on the LTC-2 report) and the facility is notified of the same.

2. The facility shall then either re-enroll the beds as nursing home beds within one year of receipt of notice from the department that the average annual occupancy in the service area exceeds 93 percent.

3. The approval for beds not re-enrolled by that time will be expired.

B. A facility is prohibited from adding beds when alternately using beds.

C. All approved beds shall be enrolled as nursing home beds in Title XIX for the four most recent quarters, as reported in the department's occupancy report, in order for additional beds to be approved.

D. A total conversion of all beds is prohibited.

E. Unless excepted in accordance with R.S. 40:2116.1, a NF that has converted beds to alternate use may elect to remove the beds from alternate use and re-license and re-enroll the beds as NF beds. The facility has 120 days from removal from alternate use to re-license and re-enroll the beds. Failure to re-license and re-enroll the beds within 120 days will result in the automatic expiration of FNR approval.

F. The NF beds converted to alternate use shall be used solely for the purpose of providing healthcare services at a licensed and/or certified facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:231 (February 2024).

§12521. Additional Beds for Replacement Facility

A. A NF that has had all approved beds enrolled for the four most recent quarters (as reported in the LTC-2) and is structurally older than 25 years, may apply for approval for additional beds to be enrolled in the Medicaid Program in a replacement facility.

B. The number of beds for which an application may be made shall not exceed 20 beds, with the following exception:

1. a facility may be approved for sufficient beds to bring the total approved beds in the replacement facility to 80.

C. A facility shall not be approved for beds that would exceed 130 total approved beds in the replacement facility.

D. Sufficient documentation shall be submitted to demonstrate to the department's satisfaction that the facility is structurally older than 25 years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:231 (February 2024).

§12523. Home and Community-Based Service Providers (PCA, RC, SIL, and MIHC Modules Only)

A. Except as otherwise provided in this Chapter, no HCBS provider shall be licensed to operate unless the FNR committee has granted an FNR approval for the issuance of an HCBS provider license. Once the FNR approval is granted, an HCBS provider is eligible to be licensed by the department, subject to meeting all of the requirements for licensure.

B. The geographic service area for proposed or existing HCBS providers is the LDH administrative region that the provider is or will be licensed.

C. Determination of Need/Approval

1. The FNR committee will review the application to determine if there is a need for an additional HCBS provider in the geographic service area for which the application is submitted.

2. The FNR committee shall approve the FNR application only if the data contained in the application, and other evidence effectively establishes the probability of serious, adverse consequences to recipients' ability to access healthcare if the provider is not allowed to be licensed.

3. In reviewing the application, the FNR committee may consider, but is not limited to, evidence showing:

a. the number of other HCBS providers in the same geographic service area servicing the same population; and

b. allegations involving issues of access to healthcare and services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access healthcare if the provider is not allowed to be licensed. The FNR committee shall not approve an FNR application if it fails to provide such data and evidence.

D. Applications for approvals of licensed providers submitted under these provisions are bound to the description in the application with regard to the type of

services proposed as well as to the physical location and/or geographic service area as defined in the application. Facility need review approval of licensed providers shall expire if these aspects of the application are altered or changed.

E. Except as provided in the Subparagraphs below, FNR approvals for licensed providers are non-transferrable and are limited to the physical location and the name of the original licensee.

1. An HCBS provider undergoing a change of physical location in the same licensed geographic service area shall submit a written attestation of the change of physical location, including the license number, state ID, current address and new address, and the department shall re-issue the FNR approval with the name and new physical location. An HCBS provider undergoing a change of physical location outside of the licensed geographic service area shall submit a new FNR application and fee and undergo the FNR approval process.

2. An HCBS provider undergoing a change of ownership shall submit a new application to the department's FNR program, requesting a transfer of the FNR approval to the new owner. Facility need review approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, provided that the legal change of ownership documents require the seller's or transferor's written relinquishment of the FNR approval.

3. Facility need review approval of a licensed provider shall automatically expire if the provider is moved or transferred to another party, entity, or geographic service area/physical location without application to and approval by the FNR program.

F. FNR-approved HCBS applicants shall become licensed no later than six months from the date of the FNR approval.

1. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant. Inappropriate zoning is not a basis for extension.

2. Failure to meet any of the timeframes in this Section shall result in an automatic expiration of the FNR approval of the HCBS agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:231 (February 2024).

§12525. Behavioral Health Services Providers (PSR and CPST Only)

A. Except as otherwise provided in this Chapter, no BHSP or applicants seeking to provide psychosocial rehabilitation (PSR) and/or community psychiatric support and treatment (CPST) services shall be eligible to apply for licensure to provide PSR and/or CPST services unless the FNR committee has granted FNR approval for the issuance of a BHSP license for such services. Once the FNR approval is granted, a BHSP is eligible to apply for a BHSP license to provide PSR and/or CPST services.

B. The geographic service area for proposed or existing BHSP shall be defined to include:

1. the parish that the provider's business office is located;

2. any parish contiguous to the parish that the provider's business office is located;

3. any location within a 50 mile radius of the provider's business office; and

4. within a 50-mile radius of one designated offsite location of the licensed BHSP.

NOTE: The geographic service area described in this Part is also applicable to opioid treatment programs licensed as BHSPs.

C. Determination of Need/Approval

1. The FNR committee shall review the FNR application to determine if there is a need for additional BHSPs to provide PSR and/or CPST services in the geographic service area.

2. The FNR committee shall approve the FNR application only if the data contained in the application and other evidence effectively establishes the probability of serious, adverse consequences to recipients' ability to access behavioral health PSR and/or CPST services if the provider is not allowed to be licensed.

3. In reviewing the application, the FNR committee may consider, but is not limited to, evidence showing:

a. the number of other BHSPs providing PSR and/or CPST services in the same geographic service area and servicing the same population;

b. the number of members that the BHSP is able to provide PSR and/or PST services to; and

c. allegations involving issues of access to behavioral health PSR and/or CPST services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access behavioral health PSR and/or CPST services if the provider is not granted approval to be licensed. The FNR committee shall not approve an FNR application if it fails to provide such data and evidence.

D. Applications for approvals of BHSPs of PSR and/or CPST services submitted under these provisions are bound to the description in the application with regard to the type of services proposed, as well as to the physical location and/or geographic service area as defined in the application. Facility need review approval of such providers shall expire if these aspects of the application are altered or changed.

E. Except as provided in the Subparagraphs below, FNR approvals for behavioral health PSR and/or CPST applicants are non-transferrable and are limited to the location and the name on the original license.

1. A BHSP of PSR and/or CPST services undergoing a change of physical location in the same licensed geographic service area shall submit a written attestation of the change of physical location, including the license number, state ID, current address and new address, and the department shall re-issue the FNR approval with the name and new physical location. A BHSP undergoing a change of physical location outside of the licensed geographic service area shall submit a new completed FNR application and required fee and undergo the FNR approval process.

2. A BHSP of PSR and/or CPST services undergoing a change of ownership shall submit a new completed application and required fee to the department's FNR program, requesting a transfer of the FNR approval to the new owner. Facility need review approval for the new owner

shall be granted upon submission of the new application and proof of the change of ownership, provided that the legal change of ownership documents require the seller's or transferor's written relinquishment of the FNR approval.

3. Facility need review approval of a licensed BHSP of PSR and/or CPST services shall automatically expire if the provider is moved or transferred to another party, entity, or physical location without application to and approval by the FNR program.

4. Facility need review approved BHSPs of PSR and/or CPST shall become licensed no later than one year from the date of the FNR approval. Failure to meet this timeframe shall result in an automatic expiration of the FNR approval of the BHSP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:232 (February 2024).

§12527. Opioid Treatment Program Needs Assessment

A. The department shall conduct an OTP needs assessment to determine if there is a need for new or additional OTPs in a geographic service area. The OTP needs assessment includes criteria and processes that the department utilizes to determine the need for new or additional OTPs in an identified geographic service area. For purposes of this Section, geographic service area follows the criteria established in §12503.H. The OTP needs assessment may include all or some of the following review criteria:

1. estimated prevalence of opioid use disorder in the population of the geographic service area to be served;

2. estimated number of persons in need of medication for opioid use disorder (MOUD) in the geographic service area;

3. estimated demand for MOUD treatment in the geographic service area to be served;

4. existing access, utilization, and availability of MOUD treatment in the geographic service area to be served; and

5. data sources that include information compiled and recognized by the department and/or any of the following: Substance Abuse and Mental Health Services Administration (SAMHSA), the United States Census Bureau, the Drug Enforcement Administration (DEA), the National Institute on Drug Abuse (NIDA), and any other state or federally recognized data surveillance system.

B. The department may conduct additional OTP needs assessments only when special needs and circumstances arise that indicate the need for additional MOUD treatment services, such as increased utilization rates, reduced availability, and/or reduced accessibility of services.

C. Exemptions from OTP needs assessment and OTP FNR application review shall be made for OTP clinics that meet the following criteria:

1. an existing, licensed OTP clinic that is destroyed by fire or a natural disaster, such as hurricane, and that obtains a license for a replacement location within eight months of closure from the fire or natural disaster; or

2. an existing, licensed OTP clinic that is replaced due to potential health hazard in the clinic, and that obtains a license for a replacement location within 150 days of closing due to the potential health hazard.

NOTE: As it relates to the circumstances of C.1 and 2 of this Section, one extension of no more than three months may be

granted by the department, at its discretion, upon receipt of documentation from the OTP provider demonstrating good cause, provided the extension is requested no later than one month from the original deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:233 (February 2024).

§12529. Opioid Treatment Program - Request for Applications

A. If the department has assessed a need for OTP services in a geographic service area(s) in accordance with §12527, the department will issue an RFA for the specified geographic service area via a statewide public announcement. The RFA will specify the dates that the department will accept applications.

1. The RFA shall specify the following:

a. geographic service area(s) in need of OTP provider(s);

b. number of OTP providers needed;

c. date that the OTP providers need to be available to the target population;

d. application submission requirements;

e. a due date for applications;

f. process of review by the FNR committee of any applications timely received, including any supplemental review process;

g. notice of selection;

h. information on appeals processes for applicants that are not granted FNR approval; and

i. other information or requirements for the RFP or its process, as determined by the department.

2. The RFA shall require the applicant to submit a letter of intent as part of its OTP FNR application. The letter of intent shall include the following:

a. the name, address, and telephone number of the FNR applicant;

b. the name of the FNR applicant representative, an individual authorized to respond to the department's questions regarding the application, and who also signs the letter of intent;

c. the proposed location of the OTP;

d. a brief statement of the OTP FNR applicant's financial viability and availability of funds;

e. a brief statement regarding licensure history as a BHSP, and a written work plan demonstrating a timeline to achieve accreditation and licensure as an OTP;

f. history of compliance with accreditation, licensure and/or certification bodies related to the provision of healthcare services;

g. range of services and program design;

h. community integration;

i. availability, accessibility and appropriateness of the location of the proposed OTP site (e.g., accessibility to public transportation and healthcare providers, location in relation to children's schools and playgrounds, local letters of support from political parties, itemized timeline of action items/dates leading to service start date); and

j. methods to achieve community integration through a community relations/targeted outreach plan.

3. Any OTP FNR application that fails to provide the required information will not be considered for FNR approval by the FNR committee.

4. Any proposed owner, director, or manager of an OTP applying for OTP FNR approval shall be free of any conviction, guilty plea, or plea of nolo contendere to a felony. If the OTP FNR applicant is an agency, the owners of that agency shall be free of such felony convictions, felony guilty pleas, or plea of nolo contendere to a felony.

5. The RFA shall specify that the FNR applicant designate a representative on the FNR application. This identified representative shall be the only person to whom the department or FNR committee will send notification regarding the decision of the OTP FNR application. If the FNR applicant representative or address changes at any time during the review process, the FNR applicant shall notify the LDH FNR program in writing.

B. All timely and complete OTP FNR applications, received by the department after the department has issued an RFA for new OTP FNR applicants, will be reviewed by the FNR committee to determine FNR approval. Only approved OTP FNR applicants may apply for an OTP license from the department.

C. The FNR committee will review the applications and independently evaluate and assign points to each of the following items, considering the quality and adequacy of the response to meet the need of the project:

1. applicant's financial viability and availability of funds to support the proposed OTP;
2. history of BHSP licensure and a written work plan demonstrating timeline to achieve accreditation and licensure as an OTP;
3. range of services/program design; and
4. community integration plan.

D. Subject to Subsection F below, the highest scoring OTP FNR applicant shall receive FNR approval.

E. In the case of a tie for the highest score, the FNR committee will conduct a comparative review of the top scoring proposals that will include prior compliance history. The FNR committee may request and review data from HSS on prior compliance history. Subject to Subsection F of this Section, the FNR committee will make a decision to approve one of the top scoring applications based on the comparative review of the proposals.

F. If no proposals are received that adequately respond to the need, the FNR committee may opt not to approve an application. In that case, a new RFA will be issued.

G. The OTP FNR applicants will receive written notifications of approvals and denials of FNR applications via certified mail or by electronic mail with a request for an acknowledgement and a read and delivery receipt, or as otherwise specified in the RFA.

H. The OTP FNR applications approved under these provisions are bound to the description in the application with regard to:

1. opioid treatment model;
2. services including but not limited to screening, assessment, counseling, and methadone dosing;
3. communication integration plan;
4. evidence of community supports/partnerships;
5. outreach plan;
6. location; and
7. identified opening date to begin services.

I. The OTP FNR approval shall expire if the aspects of the application listed in Subsection H of this Section are

altered. However, the OTP FNR approved provider may submit a request to the FNR committee to request approval to change the proposed location within the approved geographic service area within 30 days of receipt of FNR approval.

J. No FNR committee member shall have a proprietary, financial, professional, or other personal interest of any nature or kind in any OTP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:233 (February 2024).

§12531. Behavioral Health Services Providers (OTP Only)

A. No OTP may be licensed in the state of Louisiana unless the department has assessed, in its discretion, a need for a new or additional OTP in the geographic service area in accordance with §12527. For purposes of this Section, the geographic service area follows the criteria established in §12503.H. All licensed OTPs shall be in compliance with all applicable OTP federal, state, and local laws and regulations.

B. Except as otherwise provided in this Chapter or in the Subparagraphs below, FNR approvals are non-transferable and are limited to the physical location and the name of the original licensee identified in the OTP FNR application.

1. Change of Physical Location

a. A licensed OTP provider, including those OTPs who qualify under the grandfather provision, undergoing a change of physical location in the same licensed geographic service area shall submit a written attestation of the change of physical location, including the license number, state ID, current address and new address, and the department shall re-issue the FNR approval with the name and new physical location.

b. A licensed OTP provider, including those OTPs who qualify under the grandfather provision, undergoing a change of physical location outside of the licensed geographic service area shall submit a new FNR application and appropriate fee and undergo the FNR approval process.

2. A licensed OTP provider undergoing a change of ownership shall submit a new application to the department's FNR program, requesting a transfer of the FNR approval to the new owner. Facility need review approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, provided that the legal change of ownership documents require the seller's or transferor's written relinquishment of the FNR approval.

3. Facility need review approval of a licensed provider shall automatically expire if the provider is moved or transferred to another party, entity, or location without application to and approval by the FNR program.

C. The following timeframes shall apply for complying with the requirements for obtaining LDH licensure as an opioid treatment program after receipt of OTP FNR approval and for complying with all applicable federal, state, and local laws and regulations.

1. An approved OTP that shall operate in existing buildings, shall achieve LDH licensure no later than one year from the date of the OTP FNR approval.

2. For an approved OTP that shall operate in a newly constructed building, licensure shall be achieved no later than 18 months from the date of OTP FNR approval. For

approved OTPs that will operate in a newly constructed building, architectural plan approvals shall be obtained no later than six months from the date of the OTP FNR approval.

a. A one-time 90 day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant.

b. Inappropriate zoning is not a basis for extension.

3. If the OTP FNR approved location(s) fails for any reason, LDH reserves the right to reissue the RFA. If the approved OTP does not become licensed within these timeframes the OTP FNR approval shall automatically expire.

4. If an approved OTP fails to become licensed within these timeframes, the department may issue a new RFA.

D. An OTP that intends to relinquish its FNR approval prior to the expiration of the timeframes in this Section, shall submit a letter of such intent to the LDH FNR program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:234 (February 2024).

§12533. Hospice Providers

A. Except as otherwise provided in this Chapter, no hospice provider shall be licensed to operate unless the FNR program has granted an approval for the issuance of a hospice provider license. Once the FNR approval is granted, a hospice provider is eligible to be licensed by the department, subject to meeting all of the requirements for licensure.

B. The geographic service area for proposed or existing hospice providers is any parish within a 50 mile radius of the proposed physical location where the provider is or will be licensed.

C. Determination of Need/Approval.

1. The FNR committee will review the FNR application to determine if there is a need for an additional hospice provider within a 50 mile radius of the proposed physical location that the application is submitted.

2. The FNR committee shall approve the FNR application only if the data contained in the application and other evidence effectively establishes the probability of serious, adverse consequences to the recipients' ability to access hospice care if the hospice provider is not allowed to be licensed.

3. In reviewing the application, the FNR committee may consider, but is not limited to, evidence showing:

a. the number of other hospice providers within a 50 mile radius of the proposed physical location servicing the same population; and

b. allegations involving issues of access to hospice provider care and services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to the recipients' ability to access hospice care if the hospice provider is not allowed to be licensed. The FNR committee shall not approve any FNR application if the application fails to provide such data and evidence.

D. Applications for approvals of licensed hospice providers submitted under these provisions are bound to the description in the application with regard to the type of services proposed as well as to the physical location as

defined in the application. Facility need review approval of licensed hospice providers shall expire if these aspects of the application are altered or changed.

E. Except as otherwise provided below, FNR approvals for licensed hospice providers are non-transferrable and are limited to the physical location and the name of the original licensee.

1. A hospice provider undergoing a change of physical location within a 50 mile radius of the licensed physical location shall submit a written attestation of the change of physical location, including the license number, state ID, current address and new address, and the department shall re-issue the FNR approval with the name and new physical location. A hospice provider undergoing a change of physical location outside of the 50 mile radius of the licensed physical location shall submit a new FNR application and fee, and undergo the FNR approval process.

2. A hospice provider undergoing a change of ownership shall submit a new FNR application to the department's FNR program, requesting a transfer of the FNR approval to the new owner. Facility need review approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, provided that the legal change of ownership documents require the seller's or transferor's written relinquishment of the FNR approval.

3. Facility need review approval of a licensed provider shall automatically expire if the hospice provider is moved or transferred to another party, entity or physical location without an application being made to, and approval from the FNR program.

F. The following timeframes shall apply for complying with the requirements for obtaining approval of architectural plans and/or licensure.

1. Hospice outpatient providers shall be licensed within six months from the date of the FNR approval.

2. Hospice inpatient facilities that are to be licensed in existing buildings, shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within one year from the date of the FNR approval.

3. Hospice inpatient facilities that are to be licensed in newly constructed buildings, shall have final architectural plans approved no later than six months from the date of the FNR approval. Such facilities shall be licensed within 24 months from the date of the FNR approval.

4. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant. Inappropriate zoning is not a basis for an extension.

5. Failure to meet any of the timeframes in this Section shall result in an automatic expiration of the FNR approval of the hospice agency or facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:235 (February 2024).

Subchapter C. Revocation of Facility Need Review Approvals

§12537. General Provisions

A. Except as provided in Subchapter E and Subchapter F of this Chapter, approval shall be revoked under the following circumstances.

1. A facility's license is revoked, not renewed, or denied unless the facility obtains a license within 120 days from the date of such revocation, nonrenewal or denial.

2. A facility's provider agreement is terminated unless, within 120 days thereof, the facility enters into a new provider agreement.

B. Except as provided in Subchapter E and Subchapter F of this Chapter, beds may not be disenrolled except as provided under the alternate use policy and during the 120-day period to have beds relicensed or recertified. The approval for beds disenrolled will automatically expire except as otherwise indicated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:235 (February 2024).

Subchapter D. Relocation of Nursing Facility Beds

§12541. General Provisions

A. A NF's approved beds (e.g. Medicaid FNR approvals) cannot be relocated to a different service area, subject to the exceptions in §12541.C and §12541.D. below.

B. Approved beds may be relocated in the same service area only under the following conditions:

1. Subject to the exceptions in B.2 and C of this Section all of a NF's approved beds shall be relocated to a single new location.

a. The approval of any beds not relocated to that new location shall be revoked.

2. Notwithstanding the requirements of B.1 of this Section, a partial relocation of approved beds may be affected if the following conditions are met:

a. the approved beds are in a NF owned by a hospital service district as of the date of adoption of this Rule and at the time of the partial relocation;

b. the partial relocation does not place the approved beds in a different service area;

c. the approved beds are relocated to the site of a currently operational hospital owned by the same or a different hospital service district.

i. If the new location is owned by a different hospital service district, the ownership of the approval of the relocated beds shall be transferred to the hospital service district to which the beds are relocated; and

d. no more than 25 percent of the NF's approved beds are relocated.

3. If, within five years after a partial relocation to a hospital site pursuant to B.2 of this Section, the hospital located at that site ceases operations, the relocated beds shall revert to the original facility from which they were relocated. This provision shall not apply to relocations that require a transfer of ownership of the approval of the relocated beds.

4. A hospital service district may relocate or transfer the ownership of the approval of approved beds pursuant to B.2.c of this Section only once.

5. Subsection B.2-4 of this Section are not intended to prohibit or restrict the relocation of all of the approved beds in a NF by a hospital service district in accordance with Subsections A and B.1 of this Section.

C. In addition to §12541.B approved beds may be relocated in the same service district or same parish under the following conditions.

1. The department may approve a one-time partial relocation/transfer of a NF's Medicaid FNR approvals to another licensed, certified, operational NF in the same parish, provided that all of the following provisions are met.

a. The transferring NF shall send a written request to the department's licensing section at least 30 days before the proposed transfer, for the department's review and approval.

b. The transferring NF may relocate/transfer Medicaid FNR approvals to another NF pursuant to §12541.C only once.

c. The transferring NF and the receiving NF shall be related companies that are under common ownership.

i. For purposes of §12541.C, common ownership is defined as the same persons or entities owning at least 80 percent of both companies.

ii. For purposes of §12541.C, ownership includes, but is not limited to, shares in a corporation, membership in a limited liability company, or partnership interest in a partnership or limited liability partnership.

d. The transferring NF may not relocate/transfer less than 10 Medicaid FNR approvals to another NF.

e. A transferring NF may not relocate/transfer more than 25 percent of its Medicaid FNR approvals to another facility.

f. The Medicaid FNR approvals relocated/transferred become Medicaid FNR approvals of the receiving NF, and the transferring NF relinquishes all rights in those Medicaid FNR approvals, but may retain licensure of the licensed NF beds.

g. At the time of the relocation/transfer of the Medicaid FNR approvals, the receiving facility shall have more licensed NF beds than it has Medicaid FNR approvals. The number of Medicaid FNR approvals transferred shall not exceed the number of licensed-only beds (e.g., licensed NF beds not having Medicaid FNR approval) at the receiving NF. The receiving NF is prohibited from receiving more Medicaid FNR approvals than can be utilized for the receiving NF's current licensed bed capacity. Under no circumstances shall a receiving facility license additional beds in order to accommodate the relocated Medicaid FNR approvals. After the relocation, the receiving NF shall have the same number of licensed beds as prior to the relocation.

h. All relocated Medicaid FNR approvals are subject to state and federal bed change guidelines and procedures.

i. The provisions of §12535.C pertaining to the transfer of Medicaid FNR approvals shall sunset in 24 months from the date of the promulgation of the final Rule implementing §12535.C and shall have no effect henceforth.

D. In addition to Subsections B and C of this Section, Medicaid FNR approvals of an existing licensed and certified NF that is awaiting the completion of a replacement NF building, may be temporarily relocated to a licensed building that may be outside of the service area or parish of the existing FNR approved service area or parish under the following conditions.

1. The department may approve a one-time temporary relocation of a NF's Medicaid FNR approvals to another licensed building that may be outside the existing FNR approved service area or parish provided that all of the following provisions are met.

a. The relocating NF shall send a written request to the department's HSS at least 30 days before the proposed temporary relocation outside the existing FNR approved service area or parish, for the department's review and approval. This request shall include all good cause grounds for the temporary relocation of the Medicaid FNR approvals. The department will determine if approval of the temporary relocation will be granted.

b. The NF shall not temporarily relocate to a licensed building located in a service area or parish that is greater than 100 miles from the existing licensed service area or parish of the NF.

c. The temporarily relocating NF shall maintain the same number of licensed and Medicaid FNR approved beds as prior to the relocation.

d. All temporarily relocated Medicaid FNR approvals of the licensed and certified NF are subject to compliance with all state and federal licensure/certification guidelines and procedures.

e. The temporary location shall be in compliance with all licensing and certification standards for nursing facilities, and receive a temporary NF license issued by the department.

f. The temporary license shall expire six months from the date of issuance and the facility shall relocate to its new replacement NF building during that period. One extension of the temporary license, not to exceed 90 days, may be granted by the department for good cause shown.

g. During the period of temporary licensure, the NF shall not accept any new admissions to the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:236 (February 2024).

Subchapter E. Nursing Facility Bed Abeyance **§12545. General Provisions**

A. A NF may have all of its approved beds disenrolled from the Medicaid program and placed in abeyance if the department determines that the average annual occupancy in the service area where the facility is located is less than 85 percent. The department shall base this determination on the occupancy figures contained in the most recent LTC-2 report issued by the department prior to its receipt of a written request that the facility's beds be placed in abeyance in accordance with §12545.B.

B. In order to request that a facility's beds be placed in abeyance, all persons or entities who are the holders of the approval, the NF license, and the Medicaid provider agreement shall submit to the department a written request signed by each such person or entity. The written request shall:

1. specify the date, that shall be no later than 120 days after the receipt of the request by the department that the intended closure of the facility will occur; and

2. designate an individual, referred to hereafter as the designated contact person, who shall serve as the contact between the party(ies) submitting the request and the department with respect to all matters involving the placing of the facility's beds in abeyance and their removal from abeyance.

a. The written request shall include the mailing address and telephone number of that person.

b. If the designated contact person is changed, a written notice thereof, signed by each person or entity who submitted the original request, shall be given to the department.

C. If the department determines that the requirements set forth in §12545.A and B have been met, it shall issue a written Notice of Abeyance and forward it to the designated contact person within 30 calendar days after its receipt of the request for abeyance, subject to the provisions of §12545.L. If the department determines that these requirements have not been met or that the issuance of a Notice of Abeyance would conflict with §12545.L, it shall issue a written denial and forward it to the designated contact person within 30 calendar days after its receipt of the request.

D. All of a facility's approved beds shall be disenrolled from the Medicaid Program within 120 days after the designated contact person's receipt of a Notice of Abeyance. An extension not to exceed 90 days may be granted if extenuating circumstances warrant said extension, such as safe transfer of patients. Otherwise, the Notice of Abeyance will automatically expire at the end of the 120-day period.

E. All of a facility's approved beds may be disenrolled before the designated contact person's receipt of a Notice of Abeyance. However, if he or she does not receive a Notice of Abeyance within 120 days after the beds are disenrolled, the provisions of §12527.D and E will be applicable.

F. With respect to the facility's beds that are not designated to be re-enrolled as Medicaid NF beds, the approval shall automatically expire after 120 days from receipt of the Notice of Abeyance by the designated contact person, unless the beds are re-enrolled by that date, thus rescinding the Notice of Abeyance.

G. A Notice of Abeyance shall remain in effect until the facility's beds are taken out of abeyance and are re-enrolled in Medicaid.

H. A facility's beds shall remain in abeyance until the average annual occupancy in the facility's service area, as shown in the most recent LTC-2 report, has exceeded 93 percent.

I. If the department determines that the average annual occupancy in the facility's service area, as shown in the most recent LTC-2 report has exceeded 93 percent, it shall give written notice thereof to the designated contact person.

1. The written notice shall specify the number of the facility's approved beds that must be taken out of abeyance and re-enrolled as Medicaid NF beds.

2. That number shall be determined by the department based upon the following criteria.

a. A NF with 120 or fewer enrolled beds at the time of the request may return all of its enrolled beds from abeyance.

b. A NF with 121 to 160 enrolled beds at the time of the request may return up to 80 percent of its beds from abeyance, but in no case shall it be required to return fewer than 120 beds.

c. A NF with 161 or more enrolled beds at the time of the request may return up to 75 percent of its beds from

abeyance, but in no case shall it be required to return fewer than 128 beds, nor shall it be allowed to return more than 175 beds.

d. A NF may choose to return fewer beds from abeyance than are allowed by this Subparagraph and if it does so, the balance of the beds shall be disenrolled.

J. Within one year after the receipt of the written notice described in §12545.I, or in the case of new construction for a replacement facility, within 24 months after the receipt of such notice, the beds specified by the department shall be taken out of abeyance and re-enrolled as Medicaid NF beds.

1. An extension of that time may be granted at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant (e.g., acts of God).

2. Inappropriate zoning is not a basis for extension.

3. If the facility's beds that are designated to be re-enrolled as Medicaid NF beds are not re-enrolled within the specified time period, the approval for those beds will automatically expire at the end of that period.

K. If, after issuing the written notice provided in §12545.I to the designated contact person, the department determines that the requirement set forth in §12545.H is no longer met, the obligation to place the facility's beds back in service in accordance with §12545.J shall not be affected or negated.

L. If two or more requests to place beds in abeyance are pending at the same time, and the issuance of Notices of Abeyance for all of the pending requests would conflict with §12545.L, priority shall be assigned to the requests as follows.

1. If two or more facilities are located in the same service area, a request with respect to a facility having a lower average annual occupancy rate shall have priority over a request with respect to a facility having a higher average annual occupancy rate, based on the most recent LTC-2 report issued by the department.

M. While a facility's beds are in abeyance, the ownership of the approval for those beds may not be transferred and shall not be subject to any legal instrument purporting to transfer a bed.

N. All of a facility's beds that are taken out of abeyance and re-enrolled in the Medicaid program, shall remain located together in one facility that shall be either the original facility in which they were located before being placed in abeyance or another facility located in the same service area as the original facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:237 (February 2024).

Subchapter F. Exception Criteria for Facility Need Review Bed Approvals

§12549. Declared Disasters and Emergency Events

A. The FNR approvals for a licensed and Medicaid certified NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, located in an area or areas that have been affected by an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, shall remain in effect and shall not be terminated, revoked, or considered to have expired for a

period not to exceed two years for a NF or ARCP, and one year for an ICF/DD, a hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, following the original date of such executive order or proclamation, provided that the following conditions are met:

1. The NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or and HCBS provider of RC, PCA, SIL, or MIHC services, shall submit written notification to the Health Standards Section within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, has experienced an interruption in the provision of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR, or OTP services or, an HCBS provider of RC, PCA, SIL, or MIHC services, intends to resume operation as a NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, in the same geographic service area;

i. if the ICF/DD was approved through a request for proposal (RFP), the ICF/DD shall conform to the requirements of the RFP as defined by the department;

c. the facility includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. pursuant to these provisions, an extension of the 60-day deadline may be granted at the discretion of the department.

2. A NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services resumes operating as a NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services in the same geographic service area, within two years for a NF or ARCP and within one year for an ICF/DD, a hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

3. The NF, ICF/DD, ARCP, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, continues to submit licensure required documentation and information to the department, as requested;

4. All necessary repairs shall be completed, and all construction plans by all required agencies shall be approved during the period described in Paragraph 2 of §12549.A; and

5. if a provider temporarily relocates to another licensed location as a result of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, such relocation shall not extend beyond the period described in Paragraph 2 of §12549.A.

B. For good cause shown, the department may, in its sole discretion, grant two extensions of six months each, for a total of twelve additional months, to a facility described in Subsection A of this Section, during which time the FNR approvals shall remain in effect and not be terminated, revoked, or considered to have expired, provided that the following conditions are met:

1. A NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services submits a written extension request to the department 30 days prior to the expiration of the original time period established in Subsection A of this Section or the expiration of the first extension granted under these provisions.

a. The written extension request shall include evidence of progress in re-opening, including construction and expenditures on the repairs to or replacement of the facility.

b. The written extension request shall include an estimated re-opening date for the facility.

2. The facility resumes operating as a NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services in the same geographic service area, within the time period of the extension(s).

3. The facility continues to submit the required documentation and information to the department, as requested.

C. The provisions of this Section shall not apply to:

1. a NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that has voluntarily surrendered its FNR bed approval; or

2. a NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that fails to resume operations as a NF, ICF/DD, ARCP, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services in the same service area, within two years for a NF or ARCP and within one year for an ICF/DD, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services or within the deadlines of any extensions granted thereto, of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766.

D. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FNR bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:238 (February 2024).

§12551. Non-Declared or Other Emergency Events

A. This section applies to emergency situations that an executive order or proclamation of emergency or disaster pursuant to R.S. 29:724 or R.S. 29:766 has not been issued.

B. The FNR approvals for a licensed and Medicaid certified NF, ARCP, ICF/DD, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that is rendered unable to provide services to the public because of an emergency situation or disaster, including, but not limited

to, fire, flood, tornado, or other condition that the provider is not primarily responsible, shall remain in effect and shall not be terminated, revoked, or considered to have expired for a period not to exceed two years for a NF and ARCP, and one year for an ICF/DD, hospice, PDHC, BHSP of CPST, PSR, and OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, following the date of such emergency situation or disaster, provided that the following conditions are met:

1. the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, and OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services shall submit written notification to the HSS within 30 calendar days of the date of the emergency situation or disaster that:

a. the NF, ARCP, ICF/DD, hospice, PDHC, BHSP provider of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services has experienced an interruption in the provisions of services as a result of conditions that are described in §12551.B;

b. the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services intends to resume operation as a NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services in the same service area;

i. if the ICF/DD was approved through an RFP, the ICF/DD shall conform to the requirements of the RFP as defined by the department; and

c. includes an attestation that the emergency situation or disaster is the sole causal factor in the interruption of the provision of services;

2. the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services resumes operating in the same geographic service area, within two years for a NF or ARCP, and within one year for an ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services of the non-declared emergency or disaster; and

3. the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services continues to submit the required documentation and information to the department, as requested.

E. The provisions of this Section shall not apply to:

1. a NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that has voluntarily surrendered its FNR bed approval; or

2. a NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that fails to resume operations in the same geographic service area, within two years for a NF or ARCP, and within one year for an ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services of the non-declared emergency or disaster.

F. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FNR bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:239 (February 2024).

§12553. Temporary Inactivation Due to Major Alterations

A. A licensed NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that is undergoing major alterations to its physical plant may request a temporary inactivation of a certain number of the facility's FNR bed approvals provided that:

1. the NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services submits a written request to the licensing agency of the department seeking temporary inactivation of a certain number of its FNR bed approvals. Such written request shall include the following:

a. a statement that the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services is undergoing major alterations to ensure or enhance the health, safety, and welfare of the residents;

b. a statement that the major alterations to the NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services will cause a certain number of beds to be de-licensed and dis-enrolled;

c. an attestation that the major alterations are the sole causal factor in the request for temporary inactivation of a certain number of the facility's FNR bed approvals;

d. the anticipated start date of the temporary inactivation of a certain number of the facility's FNR bed approvals;

e. the anticipated end date of the temporary inactivation of a certain number of the facility's FNR bed approvals; and

f. the number of the facility's FNR bed approvals requested to be inactivated temporarily;

2. upon receipt of a completed written request by a facility for temporary inactivation of FNR approvals for a NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, the department shall issue a notice of temporary inactivation of a certain number of the facility's FNR bed approvals;

3. upon completion of the major alterations and meeting the requirements for licensure, the facility shall submit to the department a completed written request to reinstate the FNR bed approvals that were inactivated due to the major alterations to the facility;

4. the FNR bed approvals capacity, after major alterations are completed, shall not exceed the FNR bed approvals capacity of the NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services at the time of the request to temporarily inactivate a certain number of its FNR bed approvals prior to the major alterations.

5. the provisions of this Subsection shall not apply to:

a. a NF, ARCP, ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services, that has voluntarily surrendered its license or has voluntarily dis-enrolled the facility's beds from Medicaid; or

b. a NF, ARCP, ICF/DD, hospice, PDHC, or BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services that fails to resume operations in the same geographic service area, within two years for a NF or ARCP, and within one year for an ICF/DD, hospice, PDHC, BHSP of CPST, PSR, or OTP services, or an HCBS provider of RC, PCA, SIL, or MIHC services.

6. failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FNR bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:240 (February 2024).

Ralph L. Abraham, M.D.
Secretary

2402#039

RULE

**Department of Health
Office of Public Health**

Doula Registry Board
(LAC 48:V.16701, 16901, and Chapters 171-177)

Under the authority of R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G), and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health, Doula Registry Board has adopted Subpart 57 (Doula Registry Board) of Part V (Preventive Health Services) of Title 48 (Public Health—General) of the Louisiana Administrative Code (LAC).

The Subpart is necessary to implement the procedures and criteria by which the Doula Registry Board will review and approve doula registrations, in order to allow for health insurance reimbursement of doula services. More specifically, the Subpart sets forth the criteria and procedures for registration approval and placement on the Doula Registry, the criteria and procedures for removal therefrom, and the criteria and procedures for renewing a registration. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part V. Preventive Health Services

Subpart 57. Doula Registration

Chapter 167. Scope and Purpose

§16701. Scope

A. This Part governs the registration of doulas by the Louisiana Doula Registry Board pursuant to R.S. 22:1059.1, to allow for health insurance reimbursement of doula services as provided therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:240 (February 2024).

Chapter 169. Definitions

§16901. Definitions

A. Unless otherwise specifically provided herein or the context clearly requires otherwise, the following words and terms used in this Chapter are defined for the purposes thereof as follows.

Board—Louisiana Doula Registry Board.

Board Approved Doula Training Organization—an entity recognized and approved by the Board for training and/or certifying doulas

Contact Hour—60 minutes of participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction, as approved by the board.

Department—the Louisiana Department of Health

Doula—an individual who has been trained to provide physical, emotional, and educational support, but not medical or midwifery care, to pregnant and birthing women and their families before, during, and after childbirth.

Hospital—a facility or entity licensed by the Louisiana Department of Health, or equivalent licensing agency in another state or U.S. territory, as a hospital.

Louisiana Doula Registry—the board's listing or database of doulas that hold registered doula status in Louisiana, as conferred by the Board.

Professional Boundaries—the limits of the professional relationship that allow for a safe therapeutic connection between the doula and the client.

Registrant—an individual listed on the Louisiana Doula Registry.

Training—the receipt of education or instruction regarding, or the development through practice, of skills and knowledge related to a competency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:240 (February 2024).

Chapter 171. General Provisions

§17101. Board Composition; Chairperson;

Subcommittees

A. The board shall be comprised of members as specified in R.S. 22:1059.1. Board members shall serve without compensation for two years with the option for reappointment. The board may establish subcommittees and appoint persons to those subcommittees, including persons who are not board members, nor voting members, as it deems necessary and appropriate to accomplish its goals.

B. The board shall biennially elect from among its members a practicing doula as chairperson, and may also elect a chairperson-elect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:241 (February 2024).

§17103. Meetings of the Board

A. Unless otherwise provided by vote of the board or by order of the chairperson, regular business meetings shall be held at least quarterly at a place and time designated by the board.

B. Special meetings shall be called by the chairperson, or upon the request of four members of the board.

C. Any member of the public wishing to have a special topic added to the agenda for a board meeting shall notify the chairperson at least 21 days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

D. Appropriate staff of the Department shall create minutes and keep a record of all meetings, and such records shall be retained as permanent records of the transactions of the board.

E. Meetings of the board shall be open to the public and the board shall comply with all applicable requirements of the Open Meetings Law (R.S. 42:11 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:241 (February 2024).

§17105. Public Comment at Meetings of the Board

A. At every open meeting of the board or its committees, members of the public shall be afforded an opportunity to make public comment addressing any matters set by agenda for discussion at that meeting.

1. Concerns and public comments shall be limited to five minutes per individual unless the time limitation is waived by a majority of the board members present.

2. The board may require that anyone wishing to speak on a specific item must present the request prior to the convening of the meeting. In such case, cards shall be available to place the request for public comment, along with the requestor's name and for whom the requestor is appearing.

3. The chairperson may defer public comment on a specific agenda item until that item is brought up for discussion. However, the five-minute limitation for public comment shall remain in effect unless waived by a majority of the board members present.

4. The chairperson may recognize individuals at a public meeting at his or her discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:241 (February 2024).

Chapter 173. Registration Criteria and Application Procedure

§17301. Qualifications for Registration

A. To be eligible to be registered by the board as a doula, an individual must:

1. be at least 18 years of age;

2. possess either a high school diploma or high school equivalency documentation;

3. be a citizen of or lawfully authorized to be employed in the United States; and

4. meet one of the following qualification pathways:

a. demonstrate evidence of training as a doula by satisfying both of the following criteria:

i. submission of three letters of recommendation from clients to whom the individual has provided doula services within the previous five years. Such letters must provide specific details concerning the names, dates, and services provided; or

ii. submission of proof that the individual contracted with and provided doula services to at least three clients within the previous five years;

b. demonstrate receipt of a certificate of completion of training as a doula by a board approved doula training organization.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for registration shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:241 (February 2024).

§17302. Application Procedure

A. Application for registration shall be made in a format or utilizing a form prescribed by the board. The application, instructions, and address or method of submitting an application are available on the board's webpage, located or linked to on the website of the Louisiana Department of Health. The board shall have the discretion to require use of an online application submission system.

B. An application for registration shall include:

1. proof, documented in a manner and form satisfactory to the board, that the applicant possesses the qualifications set forth in this Chapter;

2. a recent photograph of the applicant; and

3. a mailing address, email address, telephone phone number, and such other relevant information concerning the applicant as the board may require.

a. Using the instructions and method described on the board's webpage, applicants and registrants must notify the board within 14 calendar days of any change in mailing address, email address, or telephone number. Any such notification to the board made by email shall be considered insufficient unless the submitter receives a confirmation notification, by email or letter, from the board. The board shall have the discretion to require use of an online submission system for such changes.

b. The board may require that an applicant provide the board with his or her home address, home/personal cell phone number, and personal email address.

c. The board may honor a request from an applicant that his or her home address, home/personal cell phone number, and personal email address be confidential and not considered a public record, if such applicant also provides a valid alternative email address that shall be considered a public record.

C. Documents required to be submitted to the board under this Chapter need not be the original, however, the board in its sole discretion may require originals in any particular instance.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document or type of documentation required by this Chapter. The board may, in its sole discretion, require a more detailed or complete response to any request for information set forth in the application form or this Chapter as a condition of consideration of an application.

E. Notifications from the board to an applicant, including notifications of incompleteness or insufficiency of an application, including an application for renewal, may be sent by the board to the email or mailing address provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:242 (February 2024).

§17303. Effect of Application

A. The submission to the board of an application for registration, including an application for renewal, shall constitute and operate as an authorization by the applicant to any of the following to provide to the board relevant facts, information, and confirmation concerning same to the board:

1. each education institution at which the applicant has matriculated;

2. each client who provided a letter of recommendation concerning the applicant;

3. each client to whom the applicant provided doula services; and

4. each state or federal agency to which the applicant has applied for registration.

B. With respect to any such information or documentation, the submission of an application to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

C. The submission of an application for registration to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any included information or documentation, and any information or documentation obtained by the board from other persons, firms, corporations, associations, or governmental entities, to any person, firm, corporation, association, or government entity having a lawful, legitimate, and reasonable need therefore, including, without limitation, the doula registration authority of any state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:242 (February 2024).

§17304. Registry Admittance, Termination, Renewal, Reinstatement

A. If the qualifications, requirements, documentation, and procedures set forth in this Chapter are met and provided to the satisfaction of the board, the board shall place the applicant on the Doula Registry. The board shall notify a successful applicant of such placement by email or U.S. mail, and such notice shall include the expiration date of the registration.

B. Every registration issued by the board shall expire on the last day of December of the fifth calendar year following the year in which such registration was issued, unless renewed pursuant to the requirements of this Chapter.

C. A registrant shall submit an application for renewal to the board no earlier than January 1 and no later than September 30 of the calendar year in which his or her registration expires. For good cause, the board may in its sole discretion accept a renewal application submitted before or after such dates. An application for renewal shall be made in a format or utilizing a form prescribed by the board. The renewal application, instructions, and address or method of submitting a renewal application are available on the board's webpage, located or linked to on the website of the

Department of Health. The board shall have the discretion to require use of an online renewal submission system.

D. A timely-submitted application for renewal shall be approved by the board only if the applicant demonstrates and submits proof of completion of the continuing education requirements set forth in this Part.

E. Except as otherwise provided in §505 of this Part, any registration not renewed on or before its expiration date shall be deemed expired for non-renewal and become null, void, and of no effect. In such event, the board shall remove the registrant from the doula registry.

F. Reinstatement of Registration. A registration that has expired due to non-renewal may be reinstated within one year of such expiration by submitting an application for reinstatement in a format prescribed by the board. Reinstatement shall only occur if the applicant demonstrates satisfaction of the continuing education requirements prescribed in this Part. Reinstatement shall have effect only from the time it becomes effective and shall not be retroactive.

G. Nothing in this Part shall be construed to allow an individual to circumvent the Continuing Education requirements set forth in this Part by seeking or attempting to have a request or application for registration renewal treated as an application for initial registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:242 (February 2024).

§17305. Denial of Registration or Registration Renewal; Appeals

A. The board shall send notification to an applicant of the board's final determination that the applicant shall be denied requested registration, renewal thereof, or reinstatement.

B. Any such denial shall state with particularity the basis for the denial, including the specific reason(s) for the denial, and shall include notice of right to an administrative hearing before the Division of Administrative Law concerning same, provided that the applicant submits an appeal request thereto within thirty calendar days of receipt of the denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:243 (February 2024).

§17306. Removal from Registry; Appeals

A. The board may revoke the registration of any registered individual who:

1. violates or fails to comply with any applicable provision or requirement of this Chapter;
2. provides to the board, or to any board approved doula training organization, any false, misleading, forged, or materially erroneous documents, documentation, or information;
3. violates applicable Health Insurance Portability and Accountability Act (HIPAA) or other confidentiality requirements concerning a client;
4. performs procedures outside or beyond the scope of doula practice;
5. misappropriates anything of value belonging to a client; or

6. exceeds professional boundaries, including but not limited to sexual misconduct; for purposes of this Section.

B. Revocation shall occur through issuance and service of an order revoking registration. The order shall state with specificity the nature of the violation(s), including citations to the provision(s) of this Chapter that have been violated. In addition to any other method of service authorized by this Chapter, service on the registrant may be effected by electronic mail sent to the email address provided by the registrant to the board, which shall be deemed effective even if returned as undeliverable.

C. An order revoking registration shall include notice of right to an administrative hearing before the Division of Administrative Law concerning same, provided that the registrant submits an appeal request thereto within thirty calendar days of receipt of the order. The order shall be stayed pending the decision of the Division of Administrative Law.

D. An individual whose registration is revoked may not subsequently seek registration for one year following the date the order revoking registration becomes final as a result of all appeals being exhausted or delays therefor having lapsed. After said one year period, the individual may apply for registration, but the individual shall have the burden of satisfying the board that the basis or cause for the revocation has been corrected, remedied, abated, or otherwise no longer exists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:243 (February 2024).

Chapter 175. Continuing Education Requirements

§17501. Requirements

A. To be eligible for renewal of registration on the doula registry, a registrant must demonstrate and provide proof of successful completion of not less than 20 contact hours of continuing education, or equivalents or alternatives as provided in this Section, obtained since such registration was last issued, reinstated, or renewed.

B. To be approved by the board, a proposed continuing education program or activity must have significant intellectual, practical, or clinical content, dealing primarily with matters related to maternal healthcare, including during pregnancy, intrapartum, and postpartum.

C. The following programs and activities are illustrative of the types of continuing education programs and activities which may be approved by the board if it determines that they meet the criteria set forth in Subsection B of this Section.

1. Attendance at or participation in meetings, conferences, workshops, seminars, or courses, including those sponsored or presented by the board;
2. Presenting at or conducting a course, seminar, or workshop, provided that such presentation is accompanied by thorough written materials or a comprehensive outline;
3. Teaching of a course in or directly related to doula practice at an accredited education institution, provided that such teaching is not performed in the ordinary course of the registered doula's usual and ordinary employment;
4. Publication, in a national, regional, or statewide scientific journal or other publication of a related profession,

of an original written work, related to the maintenance or improvement of doula knowledge or skills, which shall count as 20 contact hours; and

5. Completion of academic courses related to specific knowledge and/or skills required for practicing as a birth worker at an accredited postsecondary, graduate, or postgraduate education institution. Contact hours shall be calculated from credit hours as follows:

a. quarter system hours: one credit hour equals 10 contact hours;

b. trimester system hours: one credit hour equals 12 contact hours; and

c. semester system hours: one credit hour equals 15 contact hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:243 (February 2024).

§17502. Request for Continuing Education Program

Approval

A. Any registrant or interested person may request that the board approve a continuing education program or activity. Such requestor must provide to the board all relevant information and documentation demonstrating that the program or activity meets the criteria for approval set forth in this Chapter. The board may approve a continuing education program or activity that has already occurred, but only if it strictly meets the criteria for approval set forth in this Chapter.

B. If the board denies approval of a continuing education program or activity for which approval has been sought, the denial shall state with particularity the basis for the denial, including the specific reason(s) for the denial, and shall include notice of right to an administrative hearing before the Division of Administrative Law concerning same, provided that the requestor submits an appeal request thereto within 30 calendar days of receipt of the denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:244 (February 2024).

§17503. Documentation Procedure

A. Documentation and/or certification of satisfaction of the continuing professional education requirements set forth in this Chapter shall be made in a manner prescribed by the board's renewal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:244 (February 2024).

§17504. Waiver of Requirements

A. The board may, in its discretion, waive all or part of the continuing education required by these rules in favor of a registered doula who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding satisfaction of the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:244 (February 2024).

Chapter 177. Board Approved Doula Training Organizations

§17701. Qualifications for Approval by the Board

A. An entity seeking approval from the board as a board approved doula training organization shall demonstrate all of the following:

1. that the entity has employees, board members, or consultants with a subject matter expertise in doula, birth, and/or prenatal care;

2. that the entity issues certificates of completion of training as a doula only to individuals who have received the training or instruction required by Subsection B of this Section, which training or instruction must be prepared and provided by individuals having subject matter expertise in doula, birth, and/or prenatal care; and

a. An entity seeking approval that allows third parties to provide training to individuals seeking certificates of completion of training as a doula by the entity shall affirm or attest that the entity verifies the syllabus or curriculum of such third party trainings and the subject matter expertise of the individuals preparing and providing the trainings.

3. that it agrees to verify to the board upon request whether it has issued a certificate of completion of training as a doula to a particular individual.

B. The curriculum for training doulas must include at least eight hours of instruction having significant intellectual, practical, or clinical content, dealing with matters related to maternal healthcare, including during pregnancy, intrapartum, and postpartum. The following topics are illustrative of what such instruction may include:

1. anatomy and physiology of labor, birth, maternal postpartum, neonatal transition, and breastfeeding;

2. labor coping strategies, comfort measures, and non-pharmacological techniques for pain management;

3. the reasons for, procedures of, and risks and benefits of common medical interventions, medications, and Cesarean birth;

4. emotional and psychosocial support of birthing persons and their support team;

5. birth doula scope of practice, standards of practice, and basic ethical principles;

6. the role of the birth doula with members of the birth team;

7. communication skills, including active listening, cross-cultural communication, and inter-professional communication;

8. self-advocacy and empowerment techniques;

9. breastfeeding support measures;

10. postpartum support measures for the mother and baby relationship;

11. perinatal mental health;

12. family adjustment and dynamics;

13. evidence-informed educational and informational strategies;

14. community resource referrals;

15. professional conduct, including relationship boundaries and maintaining confidentiality;

16. self-care;

17. cultural humility;

18. inter-professional collaboration;
19. HIPAA compliance;
20. trauma-informed care; and
21. diversity, equity, and inclusion.

C. The burden of satisfying the board as to the qualifications set forth in this Section shall be upon the entity seeking approval from the board as a board approved doula training organization. An applying entity shall not be deemed to possess such qualifications unless it demonstrates and evidences such qualifications to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:244 (February 2024).

§17702. Application Procedure

A. An entity seeking approval as a board approved doula training organization shall submit an application in a format or utilizing a form prescribed by the board. The application, instructions, and address or method of submitting an application are available on the board's webpage, located or linked to on the website of the Department of Health. The board shall have the discretion to require use of an online application submission system.

B. An application for registration shall include proof, documented in a manner and form satisfactory to the board, that the applying entity meets the qualifications for approval set forth in this Chapter.

C. The board may refuse to consider any application which is not complete in every detail, including submission of every document or type of documentation required by this Chapter. The board may, in its sole discretion, require a more detailed or complete response to any request for information set forth in the application form or this Chapter as a condition of consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:245 (February 2024).

§17703. Approvals; Expiration

A. Approval of an entity as a board approved doula training organization shall expire five years from the date of issuance. An approved entity may apply to the board no earlier than six months prior to such expiration for re-approval for an additional five years. The procedures, requirements, and qualifications for re-approval shall be the same as those set forth in this Chapter for initial approval, but the board may in its discretion allow an applicant for re-approval to attest/certify, in whole or part, that the applicant's curriculum, oversight, staff qualifications, and procedures for certifying doulas have not materially changed since the last approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:245 (February 2024).

§17704. Denial of Approval; Appeals

A. The board shall send notification to an applicant of the board's final determination that the applicant shall be denied requested approval as a board approved doula training organization.

B. Any such denial shall state with particularity the basis for the denial, including the specific reason(s) for the denial, and shall include notice of right to an administrative hearing before the Louisiana Division of Administrative Law concerning same, provided that the applicant submits an appeal request thereto within 30 calendar days of receipt of the denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:245 (February 2024).

§17705. Revocation of Approval; Appeals

A. The board may revoke approval as a board approved doula training organization if the organization:

1. violates or fails to continue to comply with any applicable provision or requirement of this Chapter; or
2. provides to the board any false, misleading, forged, or materially erroneous documents, documentation, or information.

B. Revocation shall occur through issuance and service of an order revoking approval as a board approved doula training organization. The order shall state with specificity the nature of the violation(s), including citations to the provision(s) of this Chapter that have been violated. In addition to any other method of service authorized by this Chapter, service on the organization may be effected by electronic mail sent to the email address provided by the organization to the board, which shall be deemed effective even if returned as undeliverable.

C. An order revoking approval as a board approved doula training organization shall include notice of right to an administrative hearing before the Division of Administrative Law concerning same, provided that the registrant submits an appeal request thereto within 30 calendar days of receipt of the order. The order shall be stayed pending the decision of the Division of Administrative Law.

D. A board approved doula training organization whose approval is revoked may not subsequently seek approval for one year following the date the revocation order becomes final as a result of all appeals being exhausted or delays therefor having lapsed. After said one year period, the entity may apply for approval as a board approved doula training organization, but the entity shall have the burden of satisfying the board that the basis or cause for the revocation has been corrected, remedied, abated, or otherwise no longer exists.

E. Revocation of an entity's approval as a board approved doula training organization shall have no effect on any doula whose placement on the Doula Registry, or application therefor, was based upon having received a certificate of completion of training as a doula from such entity prior to the date that the revocation order became final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1059.1(B)(1)(b) and R.S. 22:1059.1(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Louisiana Doula Registry Board, LR 50:245 (February 2024).

Stephen R. Russo, JD
Secretary

2402#040

RULE
Department of Health
Office of Public Health
Bureau of Emergency Medical Services

Emergency Medical Services Professionals
(LAC 46:XXXVIII.Chapters 1-5)

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) and the Louisiana Emergency Medical Services Certification Commission (EMSCC) has amended LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services professionals as authorized by R.S. 40:1131-1133.16 and R.S. 40:1141. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 4.2. 49:950, et seq.

In compliance with Act 31 of the 2020 2nd Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the EMSCC has amended the regulations governing the professional and occupational standards for emergency medical services professionals 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; and, 3) promulgate the provisions clearly and concisely in the Louisiana Administrative Code.

Part XXXVIII is to be substantively rearranged as regards to the location of the bulk of the text content which exists in some particular Sections of the current Rule housed within Title 46 of the Louisiana Administrative Code (LAC) but which is now moved into another Section of the Rule. The text content of each Section which has been moved does contain one or more amendments within the new location. In addition, currently existing headings labeled as a particular Subpart, a particular Chapter and a particular Subchapter are to be repealed. For this reason, the table below summarizes the rearrangement of the text content and which specific items are proposed to be repealed.

This Rule shall be effective upon publication as a Final Rule. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXVIII. Emergency Medical Services
Professionals

Subpart 1. Rules of Procedure

Chapter 1. General

§101. Statement of Purpose/General Definitions

A. Purpose. The Louisiana Emergency Medical Services Certification Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal power. To safeguard life and health of the citizens of Louisiana, the law governing the practice of Nationally Certified and State Licensed Emergency Medical Services professionals, Louisiana Revised Statutes of 1950, R.S. 40:1131 et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-

hospital practice; to regulate the scope of practice of Emergency Medical Services practitioners, to discipline and regulate the practice of Emergency Medical Services professionals and to establish standards for educational programs preparing individuals for out of hospital practice.

B. General Definitions. The following words and terms shall have general applicability to their usage within the entirety of this Part.

Bureau—unless otherwise specified, the Bureau of Emergency medical Services within the Office of Public Health of the Louisiana Department of Health.

Bureau Director—the duly appointed administrator who oversees the Bureau.

Certified Ambulance Operator—an individual who is certified by the Bureau of EMS as a certified ambulance operator. Documentation and requirements outlined in statute must be submitted and approved before certification is received.

Chair—the chairperson of the Louisiana Emergency Medical Services Certification Commission.

Commission—the Louisiana Emergency Medical Services Certification Commission as created under the Louisiana Department of Health pursuant to R.S. 40:1133.3.

Emergency Medical Services—a system that represents the combined efforts of various professionals and agencies to provide out-of-hospital 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 is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician or a licensed paramedic.

EMS—emergency medical services.

Public Safety Agency—a functional division of a public or private agency which provides firefighting, policy, medical, or other emergency services.

Public Safety Telecommunicator—an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide T-CPR instructions to a caller before arrival or medical assistance by an individual with CPR training.

T-CPR—telephone cardiopulmonary resuscitation

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.1 (A), R.S. 40:1133.4(A)(8), R.S. 40:1133.5.(9)(10) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services LR 50:246 (February 2024).

§103. Duties of EMS Practitioners

A. A licensed emergency medical services practitioner may perform any of the following functions while caring for a patient at the scene of a medical or other emergency, or during the transport of a patient where voice contact is established with a physician and under the physician's order,

or under the protocol that has been approved by the local parish medical society or the emergency medical services practitioner's medical director:

1. services, treatment, and procedures consistent with the national EMS education standards that have been approved and adopted by the bureau, to the extent that he or she has been trained to perform such services, treatment or procedures.

2. administration of other drugs or procedures for which the licensed emergency medical services practitioner has received training, license, and approval by the commission and which may be considered necessary by the ordering physician.

3. determine, based on approved protocols, whether it is appropriate for a person to be transported by ground ambulance to an alternative destination when the individual condition does not meet the definition of emergency medical conditions, however:

a. no person shall be transported to an alternative destination unless he or she consents to being transported to that destination; and

b. no emergency medical services practitioner shall transport a person to an alternative destination in which the practitioner or practitioner's employer has a financial interest.

B. An emergency medical services practitioner student, while he or she is enrolled in good standing in a state-approved educational program, and under the direct supervision of a physician, registered nurse, paramedic or other preceptor recognized by the bureau, may:

1. perform services, treatments, and procedures consistent with national EMS education standards that have been approved and adopted by the bureau, and to the extent that he or she has been trained to perform such services, treatment, and procedures.

C. In case of a life-threatening situation as determined by a licensed emergency medical services practitioner, when voice contact with a physician is delayed, not possible, or when the delay in treatment could endanger the life of the patient, the emergency medical services practitioner may provide treatment to the patient in accordance with:

1. a protocol approved by the EMS medical director who is a board-certified or a board-eligible emergency medicine physician; or

2. a protocol established by the emergency medical services committee or the executive committee of the parish or component medical society or its designee.

a. In the event that there is no organized or functional local medical society within a parish of the state at the time that an EMS practitioner responds to a life-threatening situation therein under the conditions outlined in Subsection C of this Section, the protocol established by the EMS medical director may be applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:246 (February 2024).

§105. Public Safety Telecommunicator

A. No person shall act as a public safety telecommunicator unless he has received a certificate of completion of an approved training course in T-CPR conducted by an entity or individual approved by the Bureau

to conduct such T-CPR course. A public safety telecommunicator must possess and maintain a current certificate of completion of the T-CPR training required under this Section.

B. The bureau shall give approval to a T-CPR training course if the course and the entity or individual proposing it meets the minimum standards for course approval set by the bureau, including standards concerning instruction, training and examination. Such standards shall mandate training every two years that meets or exceed nationally recognized emergency cardiovascular care guidelines adopted by the bureau and shall incorporate recognition protocols for out-of-hospital cardiac arrest and compression-only CPR instructions for callers. An approved entity or individual shall comply with the course approval criteria set by the bureau, and may be removed by the bureau from the roster of approved T-CPR trainers for failure to comply.

C. Each public safety agency employing public safety telecommunicators shall, for each individual so employed, upload the certificate of completion of the T-CPR training required by this Section, and any renewals thereof, to the Bureau's Information Management System (IMS). This requirement shall not apply with respect to any individual so employed who has already uploaded such certificates to the IMS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:247 (February 2024).

Chapter 3. Licensure and Certification

§301. State Licensure and National Certification

A. State licensure by the bureau of emergency medical services is mandatory for practicing as a licensed emergency medical responder.

B. National certification and state licensure are mandatory for practicing as a licensed emergency medical technician, advanced emergency medical technician, and paramedic.

C. State licensure as a licensed Emergency Medical Services practitioner shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 40:1131.1, et seq. All applicants shall meet the same standards.

D. The commission shall render an opinion to the Bureau of Emergency Medical Services on whether the applicant meets the requirements of certification in all questionable cases.

E. Reciprocity shall be granted to an applicant who submits evidence of licensing or certification in good standing from another state, territory, or country or has received military training and certification or licensure as an emergency medical services practitioner as defined in §101.B of this Part, and meets all other applicable requirements set forth in this Part.

1. The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) has been enacted into state law under Act 31 of the 2020 2nd Extraordinary Session of the Louisiana Legislature and may be found under R.S. 40:1141.

F. A Louisiana EMS Practitioner license must be renewed every two years, and shall be if the

licensee/applicant completes the appropriate renewal application and meets the requirements for renewal set forth in this part and R.S. 40:1133.1 et seq. prior to the expiration date on his or her current license.

1. An individual whose license expires by his or her failure to timely renew may be reinstated within 30 days of expiration provided the applicant submits a completed application and meets any additional requirements established by the bureau.

G. The commission shall render an opinion to the bureau on whether the applicant meets the requirements of licensure in all questionable cases.

H. Each license holder and each applicant for licensure must provide both a valid current mailing and email address at which the licensee or applicant can receive correspondence and official notices from the bureau. A licensee or applicant shall update either such address via the EMS information management system within five calendar days of any change thereto.

I. Whenever any provision of law or of this Part requires or authorizes service or delivery of a letter, notice, order, summons, or other document to be made upon a licensee or applicant, then, in addition to any other method authorized by law or this Part for such service or delivery, the following shall constitute good and valid service or delivery for all purposes related to this Part:

1. service made in any manner authorized by the Louisiana Code of Civil Procedure or the Louisiana Revised Statutes of 1950;

2. service made by U.S. Postal Service certified mail, return receipt requested, addressed to the mailing address provided to the bureau in accordance with Subsection F of this Section; or

3. service by email sent to the email address provided to the department in accordance with Subsection F of this Section, even if returned as undeliverable. A document served by email must be in printable document format (PDF) and may be either attached, in which case the entire email with the attachment cannot exceed 20 megabytes (MB), or linked within the body of the email to a file sharing or similar site from which it can be viewed or downloaded.

J. Whenever service or delivery by certified mail is authorized by this Section or any other provision of law or this Part, if a certified mail receipt shows that service has been refused or unclaimed, then service shall nevertheless be deemed complete and valid.

K. A certified mailing sent in accordance with this Section shall be deemed good and valid service if a signed receipt is returned to the bureau, regardless of whether the licensee/applicant to whom the mailing was addressed personally signed the return receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.2(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:247 (February 2024).

§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, or the right to practice as an EMS student may be denied approval for licensure, reinstatement, receipt of a temporary permit, eligibility to continue in or enter into an education program (didactic, clinical, or field internship aspects) if the applicant:

1. knowingly falsifies any documents submitted to the bureau, commission or the EMS educational facility;

2. is unfit or incompetent by reason of negligence, habit, or other cause;

3. has pled guilty, nolo contendere, or been convicted of, or any crime that directly related to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are denied licensure, reinstatement, or the right to practice EMS as a student shall not be eligible to submit a new application, until a combination of the following conditions are met:

1. a minimum of two years has passed since the denial was issued; or

2. the applicant presents evidence that the cause for the denial no longer exists; and

3. a hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the denial no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)and(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)and(2), R.S. 40:1133.4, and 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:248 (February 2024).

§305. Delay of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, and for practice as a EMS student shall have approval delayed for licensure, for reinstatement, to receive a temporary working permit, to be eligible for the national registry exam, or to enter or progress into any clinical EMS course, if the applicant:

1. has any pending disciplinary action or any restrictions of any form by any licensing/certifying entity in any state; or

2. has a pending criminal charge for any crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought; or

3. has pled guilty, nolo contendere, or been convicted of a crime that directly relates to the EMS profession generally or the specific type of EMS license

type, permit, or eligibility sought, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole.

B. For purposes of this Section, a pardon, suspension of imposition of sentence, expungement, or pretrial diversion or similar programs shall not negate or diminish the requirements of this Section.

C. Applicants who are delayed licensure, reinstatement, or the right to practice EMS, as a student shall not be eligible to submit a new application until the following conditions are met:

1. the applicant presents sufficient evidence that the cause for the delay no longer exists; and

2. a hearing or conference is held before the commission to review the evidence, to afford the applicant the opportunity to prove that the cause for the delay no longer exists, and to provide an opportunity for the commission to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with 40:1131.1(E), R.S. 40:1133.2(A) and (E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)and(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003) amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:248 (February 2024).

§306. Pre-Application Eligibility Determination

A. An individual convicted of a crime may request at any time, including before obtaining any required education or training, a determination as to whether the individual's criminal conviction(s) disqualify the individual from licensure or certification by the bureau.

1. The individual making the request shall provide to the bureau all pertinent information and documents pertaining to the conviction(s), including any information relevant to the factors provided in R.S. 37:2950. Any such request shall list and include all of the individual's convictions, regardless of jurisdiction and regardless of subsequent pardon or expungement, through the date of the request. After initial receipt of the request, the bureau may require that the individual submit additional pertinent information or documents.

2. The process for submitting the request and associated documents is posted on the bureau's website (URL: <https://ldh.la.gov/subhome/28>). Alternatively, the request may be made in writing and mailed to the Bureau at 7273 Florida Blvd., Baton Rouge, LA 70806.

3. The individual making the request shall also provide to the bureau the individual's pertinent identifying information, including date of birth, social security number, and driver's license number.

4. The individual making the request shall provide a valid email address to which the bureau may send correspondence related to the request, including the determination as to whether the individual is disqualified.

5. Within 45 days after receipt of the request and all pertinent information and documents, including additional information or documents requested by the bureau pursuant to A.1. of this Section, or within 45 days of receipt by the bureau of any criminal background check provided or requested by the individual, whichever is later, the bureau shall send notification to the individual concerning whether, based on the criminal information submitted, the individual

is disqualified from receiving or possessing a license from the bureau. This determination, which may be disseminated to the requesting individual by email, shall be one of the following:

a. The conviction(s) do not make the individual ineligible to be licensed ("not ineligible"). Such determinations include instances where licensing may be necessarily accompanied by concurrent initial probation, per the Commission's Deferred Decision Matrix or Commission Review Panel, unless a requested hearing before the commission determines otherwise.

b. The conviction(s) make the individual presumptively ineligible to be licensed, in which case the following information shall be provided to the individual:

i. specific conviction(s) that constitute the basis for the presumptive ineligibility;

ii. reasons the conviction(s) are directly related to the license, using the factors set forth in La. R.S. 37:2950;

iii. right to submit within 60 days additional documentation or evidence relevant to each of the factors listed in R.S. 37:2950 concerning the conviction(s) upon which the presumptive ineligibility is based; and

iv. date of eligibility to apply or reapply for a license.

5. An individual who is informed that the conviction(s) at issue make him presumptively ineligible is entitled to a hearing ("appeal") before the commission concerning such determination.

a. Such individual shall be placed on the agenda for a formal hearing at the next regularly scheduled meeting of the commission, but may decline such a hearing if s/he does not wish to proceed. If the 60 day period for providing additional documentation or evidence, as provided in Subsection A.4.b.iii of this Section, expires after the next scheduled meeting, the individual may request that the hearing be postponed until the subsequent regularly scheduled meeting.

6. A determination of "not ineligible" made pursuant to this Section is binding upon the Bureau unless the individual is convicted of a subsequent crime between the inquiry period and the time of license application, has pending criminal charges at the time of license application, or has undisclosed criminal convictions not revealed at the time of inquiry.

B. The following information can be found on the bureau website and/or on the EMS license application:

1. the process by which the bureau investigates affirmative criminal background disclosures.

2. the deferred decision matrix used by the bureau regarding the criminal history of applicants.

3. additional details regarding the process by which potential applicants may obtain a determination regarding their license eligibility as it relates to criminal convictions.

C. When determining whether a conviction directly relates to the EMS profession, the commission shall consider:

1. the nature and seriousness of the offense;

2. the nature of the specific duties and responsibilities of licensed EMTs, Advanced EMTs, paramedics, and emergency medical responders.

3. the amount of time since the conviction;

4. facts relevant to the circumstances of the underlying offense, including any aggravating or mitigating circumstances, or social conditions surrounding the commission of the offense; and

5. evidence of rehabilitation or treatment undertaken by the applicant since the conviction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:249 (February 2024).

§307. Application Eligibility Determination; Criminal Convictions; Right to Hearing

A. When determining whether an applicant's criminal conviction directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought, the commission shall consider the factors set forth in §306.C of this Part.

B. The bureau may utilize any "deferred decision matrix" or similar document setting forth guidelines approved by the commission in making an initial presumptive determination concerning whether an applicant's criminal conviction directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

C. Any applicant who is determined by the bureau to be presumptively ineligible, based upon the bureau's application of a deferred decision matrix (or similar guidance document approved by the commission) or otherwise, shall be entitled to a hearing ("appeal") before the commission concerning such determination, at which the applicant may present testimony, documentation, or evidence relevant to each of the factors set forth in §306.C of this Part concerning the conviction upon which the presumptive ineligibility is based.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:250 (February 2024).

§308. Criminal History Record and Identification

A. The bureau is entitled to and shall require submission of the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Louisiana Department of Public Safety and Corrections, of any person who is seeking an initial license as an emergency medical technician, advanced emergency medical technician or paramedic; and any person who answers affirmatively to any of the criminal background questions on a license renewal application. In such situations, fingerprints and other identifying information of the applicant shall be required and submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry.

1. The criminal history records must be not more than two years old.

B. The Louisiana Bureau of Criminal Identification and Information shall, after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification

and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

C. The applicant shall pay the appropriate fees to the Louisiana Bureau of Criminal Identification and Information for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.(A)and(C), R.S. 40:1133.5(9), R.S.40:1133.7(1)and(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:250 (February 2024).

Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§501. Definition of Terms Applying to EMS Practice as Used in This Chapter

A. As they apply to EMS practice and/or to the exercise of the commission's disciplinary authority, the following words and terms are hereby defined as used within this Chapter.

Accountability—being answerable for one's actions or inactions. The licensed EMS practitioner answers to self, patient, agency, medical director, profession and society for the effectiveness and quality of EMS care rendered. It is the personal responsibility for each individual to maintain competency in practice. If the assigned EMS practitioner does not possess the specialized EMS knowledge, skills and abilities required to provide the required care, said professional shall notify the appropriate supervisory EMS personnel.

Additional Acts—activities beyond those taught in state approved EMS education programs. Additional acts are authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Licensed EMS practitioner are accountable for attaining and maintaining competency when performing approved additional acts.

Aiding and Abetting—to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating Parts I-III of Chapter 5-C of Title 40 of the Revised Statutes or the rules and regulations of the commission or bureau

Assessment—identifying human responses, which indicate existing, or potential abnormal condition through the patient history, physical examination or observation, in accordance with the standards of EMS practice.

Assignment—designating EMS activities to be performed by an individual consistent with his or her scope of practice.

Carrying Out the Medical Orders of a Physician Licensed in Louisiana—

a. licensed EMS practitioners may, based on their individual judgment of each situation, accept verbal orders

initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice;

b. licensed EMS practitioners may execute standing orders of a licensed physician.

Collaborating – a process involving two or more health care professionals working together, though not necessarily in each other's presence, each contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.

Delegating EMS Interventions—committing or entrusting the performance of selected EMS tasks by the licensed EMS practitioner to other competent EMS personnel in selected situations. The licensed EMS practitioner retains the accountability for the total EMS care of the individual.

Deny—to refuse for cause

EMS Services—activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the standards of EMS practice.

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Certification Commission as appropriate for the various levels of EMS practitioners.

Field Diagnosis—out-of-hospital evaluation of the patient's condition and its causes.

Habit—a mode of behavior, which an individual acquires over a period of time.

Limit—to confine within certain bounds

Maintaining EMS Care Rendered Directly or Indirectly—preserving the continuity of safe and effective EMS care, including the delegated EMS activities.

Managing and Supervising the Practice of EMS—those activities which serve to fulfill the accountability of the licensed EMS practitioner for the total EMS care of the individual when tasks in the EMS care are delegated to other EMS personnel. These activities include:

- a. judging the priority of EMS needs of the individual(s);
- b. determining actions required to meet the needs;
- c. assigning personnel, including self, qualified to implement the prescribed EMS care components of that care;
- d. providing information needed by personnel for the implementation of the assigned EMS care and ascertaining the assimilation of same information;
- e. directing the EMS care and evaluating the outcomes of the care; and
- f. determining and initiating changes in EMS care or in assignment of EMS personnel.

Medical Diagnosis— the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Certification Commission.

Mentally Incompetent—a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

Moral Turpitude—an act of baseness, vileness, or depravity in the duties which one person owes to 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.

Negligence—a breach of duty of care owed to an individual.

Other Causes—includes, but is not limited to:

- a. failure to practice EMS in accordance with the standards of EMS practice
- b. possessing a physical impairment or mental impairment, which interferes with the judgment, skills or abilities required for the practice of EMS;
- c. failure to utilize appropriate judgment;
- d. failure to exercise technical competence in carrying out EMS care;
- e. violating the confidentiality of information or knowledge concerning the patient;
- f. performing procedures beyond the authorized scope of EMS or any specialty thereof;
- g. performing duties and assuming responsibilities within the scope of the definition of EMS practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;
- h. improper use of drugs, medical supplies or equipment, patient's records, or other items;
- i. misappropriating items of an individual, agency or entity;
- j. falsifying records or documents, including patient records or any records or documents provided to the commission, the bureau, or any other any governmental or regulatory agency;
- k. failure to act, or negligently or willfully committing any act that adversely affects the physical or psychosocial welfare of the patient;
- l. delegating or assigning EMS care, functions, tasks, or responsibilities to others contrary to regulations or failing to adequately supervise EMS tasks assigned to others during the course of providing EMS care;
- m. leaving a EMS assignment where there was a duty to act without properly notifying appropriate personnel;
- n. failing to report, or self-report, to the Bureau, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice or conduct, including criminal conduct, arrest, or conviction, of any EMS practitioner, including any practice or conduct that violates any provision, requirements, or prohibition contained in this Part or R.S. 40:1131-1141;
- o. has violated a rule or an order adopted by the commission or the bureau, or a state or federal law relating to the practice of professional EMS, or a state or federal narcotics or controlled substance law;
- p. inappropriate, incomplete, or improper documentation;
- q. use of or being under the influence of alcoholic beverages, illegal drugs, or drugs which impair judgement while on duty;

r. failure to cooperate with the commission or bureau by:

i. not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or

ii. not responding to subpoenas issued by the commission in connection with any investigation or hearing;

s. exceeds professional boundaries, including but not limited to sexual misconduct; and

t. use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

Preventive Instruction—those EMS measures that provide health information and explanation to the public to reduce the incident of death and injury.

Probate—to stay a sentence of license suspension during good behavior and placing under supervision of Bureau of a period of time. License is marked “probated” and specific requirements are identified.

Professional Boundaries—the limits of the professional relationship that allow for a safe therapeutic connection between the practitioner and the patient.

Reasonable Skill and Safety—practicing EMS in accordance with the standards of EMS practice.

Reprimand—written communication to the individual stating the commission’s concerns, and public notification of the individual’s name and reasons for the reprimand.

Restrict—to limit or restrain EMS practice by settings, types of patients, or other means.

Revoke—to annul or make void by calling back. Revocation of certification or licensure shall be indefinite as to the practice of EMS in Louisiana.

Scope of Practice—the range of duties and skill EMS professionals are expected to perform.

Sexual Misconduct—an extreme boundary violation which involves the use of power, influence and/or knowledge inherent in one’s profession in order to obtain sexual gratification, romantic partners and/or sexual deviant outlet. Any behavior that is seductive, sexually demeaning, harassing or reasonable interpreted by a patient as sexually inappropriate, is a violation of the EMS professional’s fiduciary responsibility to the patient.

Specialized Knowledge and Skills—required for the practice of EMS means the current theory and practice taught in state approved EMS education programs preparing persons for EMS practitioner licensure as well as information in the biological, physical and behavior sciences.

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Certification Commission

Student EMS Practitioner—a person who is engaged in learning experiences in a program of study leading to the candidacy for licensure to practice as a licensed EMS practitioners. The term applied only when the person is participating in an integral part of the program of study.

Suspend—to hold licensure to practice as a certified EMS practitioner in abeyance for a definite or an indefinite period of time.

Teaching of EMS—instructing EMS practitioner student and providing continuing EMS education to licensed EMS practitioners.

Unfit or Incompetent—unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 50:250 (February 2024).

§503. Disciplinary Proceedings before the Commission

A. The commission has the responsibility to consider and determine the action necessary upon all charges of conduct that allegedly fails to conform to R.S. 40:1131.1, et seq., as re-enacted and amended, or to the requirements and provision of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:252 (February 2024).

§505. Proceedings against Licensed EMS Practitioner, Certified Ambulance Operators, Licensed EMS Practitioner Applicants or Certified Ambulance Operator Applicants

A. The commission may direct the bureau to deny, revoke, suspend, probate, limit, reprimand, fine or restrict any certification or license to practice as a licensed EMS practitioner or certified ambulance operator; or otherwise discipline an individual in accordance with R.S. 40:1133.7 and R.S. 40:1133.18.

1. In accordance with R.S. 40:1133.9, the commission, through the bureau, may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the applicable provisions of Part II of Chapter 5-C of Title 40 of the Revised Statutes. This injunction shall not be subject to release upon bond.

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

C. A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by R.S. 40:1133.7, 40:1133.10, 40:1133.18, or this Part, may be made by any person, staff, agency or the commission. Such complaints shall be in writing, and on a form prescribed by the commission or affixed to the form prescribed by the commission. However, nothing shall prohibit the bureau or commission from acting upon an allegation or licenses wrongdoing learned of or submitted by other means.

D. Grounds for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, are specified in R.S. 40:1133.7 including, but not limited to, the following:

1. selling or attempting to sell, falsely obtain or furnish a person a licensed EMS practitioner document;

2. providing emergency medical services without due regard for the health and safety of clients or patients;
3. has pled guilty, nolo contendere, or been convicted of a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought
4. exhibiting incompetency or unfitness by reason of negligence, habit or other cause;
5. exhibiting habitual intemperance in the use of or abuses alcohol or habit-forming drugs
6. aiding or abetting another person in the violation of this Part;
7. exhibiting mental incompetence;
8. deceiving or defrauding the public;
9. exhibiting professional or medical incompetence;
10. exhibiting unprofessional conduct;
11. continuing or recurring practices which fail to meet the standards of EMS care in this state;
12. abandoning a patient;
13. has had a certification or license to practice as an emergency medical services practitioner or to practice as another health care provide denied, revokes, suspended or otherwise restricted;
14. being guilty of moral turpitude;
15. violating or failing to conform to any requirement or provision of this Part; or
16. intentionally falsifying any document related to license, emergency medical services education, or related to the care of the patient
17. aiding or abetting another person in the violation of any conduct proscribed under Paragraphs 1, 2, 3, 4, or 5 of this Subsection.

E. Grounds for disciplinary proceedings against a certified ambulance driver are specified in R.S. 40:1133.18 including, but not limited to, the following:

1. fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the bureau or its representatives;
2. has pled guilty, nolo contendere, or been convicted of a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought;
3. is unfit or incompetent by reason of negligence, habit, or other cause;
4. is mentally incompetent;
5. is habitually intemperate in the use of or abuses alcohol or habit-forming drugs;
6. is guilty of aiding or abetting another person in violating any provision of this Part;
7. continuing or recurring practices which fail to meet the standards of ambulance operators in this state;
8. endeavors to deceive or defraud the public;
9. is guilty of moral turpitude;
10. has violated any rules and regulations of the commission or the bureau or any provision of this Part;
11. intentional falsification of any document related to the procurement of any certification or license;
12. operating any vehicle in violation of state or local traffic laws;
13. revocation, suspension, or any restriction of the ambulance operator's driver's license;

14. failure to maintain all current ambulance operator training standards as required by the bureau; or

15. has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in Louisiana or any other state or territory of the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:252 (February 2024).

§507. Proceedings Involving Students Enrolled in EMS Education Programs

A. The commission may direct the bureau to deny, revoke, suspend, probate, limit, reprimand, fine, or restrict any student enrolled in EMS education programs, or otherwise discipline a student enrolled in EMS education programs or attempting to enroll in EMS education programs as part of its duties and responsibilities in regulating the practice of EMS in Louisiana and in overseeing the administration of the curriculum and operation of EMS education programs in the state of Louisiana.

B. Every student enrolled or attempting to enroll in EMS education programs subjected to the proceedings set forth in this Section, shall be afforded an opportunity for a hearing before the commission or its duly appointed hearing officer or committee.

C. Information obtained by the commission that an EMS student enrolled or attempting to enroll in EMS education programs is or has engaged in any conduct prescribed by R.S. 40:1133.7, shall be received in a form prescribed by the commission. However, nothing shall, prohibit the bureau or commission from acting upon an allegation of wrongdoing learned of or submitted by other means. This information may be furnished by any person, staff, agency, or by the commission.

D. Grounds for proceedings against a student enrolled or attempting to enroll in EMS education programs are:

1. all of the grounds for disciplinary proceedings against a person, individual or licensed EMS practitioner, as applicable, listed in Subsection D of § 505 of this Chapter; or
2. has been denied a request to enroll in EMS education programs or has been denied a license to practice in any healthcare field or had such privileges revoked, suspended, or otherwise restricted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 37:33, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:253 (February 2024).

§509. Disciplinary Process and Procedures

A. The provisions of the Administrative Procedure Act shall govern proceedings on questions of violation of R.S. 40:1131.1 et seq., as re-enacted and amended.

1. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

2. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the individual did certain acts and, if he or she did, whether those acts violated the provisions or requirements of this Part; and to determine the appropriate disciplinary action.

3. Any disciplinary action shall also be forwarded to all applicable licensing agencies and/or required reporting entities.

B. Investigation

1. The process of a disciplinary proceeding shall include certain steps and may include other steps as follows.

a. The bureau or commission receives information alleging that an individual has acted in violation of the provisions or requirements of this Part. Communications from the informant shall be privileged and shall not be revealed to any person unless such documents will be offered for evidence in a disciplinary review panel, settlement, informal or formal hearing, or unless those documents are subpoenaed by a court, or requested by other regulatory or law enforcement agencies.

b. The information is investigated by the bureau's staff to determine if there is sufficient evidence to warrant disciplinary proceedings. The commission chair or designee may issue a subpoena prior to the filing of charges if, in the opinion of the chair, such a subpoena is necessary to investigate any potential violation or lack of compliance with the provisions or requirements of this Part. The subpoena may be to compel the attendance of any person to appear for the purposes of giving sworn testimony and/or to compel the production of books, records, papers, or other objects.

2. An agreement worked out between the complainant and the individual does not preclude disciplinary action by the commission. The nature of the offense alleged and the evidence before the commission must be considered.

C. Informal Disposition of with No Disciplinary Action

1. Some allegations may be settled informally by the commission and the individual, without formal disciplinary action. The following types of informal dispositions may be utilized.

a. Disposition by Correspondence

i. For less serious allegations, the chair, or a designee of the commission, may write to the individual explaining the nature of the information received. The individual's subsequent response may satisfactorily explain that no violation of the provisions or requirements of this Part occurred, or that the matter does not rise to the level requiring formal disposition at this time, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be investigated and disposed of through another informal means or brought before the commission for a formal hearing.

b. Informal Conference

i. The chair, or a designee of the chair, and another member of the commission may hold a conference with the individual, in lieu of, or in addition to correspondence, in cases of less serious allegations. If the

respondent can satisfactorily explain that no violation of the provisions or requirements of this Part occurred, or that the matter does not rise to the level requiring formal disposition at this time, then the matter may be dismissed.

ii. The individual shall be given adequate notice of the fact that information brought out at the conference may later be used in a formal hearing.

iii. Referral to an alternative to the disciplinary process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1824 (September 2003) amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:253 (February 2024).

§510. Disciplinary Process and Procedure Limitations on Disciplinary Proceedings by the Commission

A. Unless a special law is applicable, no disciplinary proceeding of any kind may be initiated by the bureau or commission as follows.

1. If the nature of the complaint is based on negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act of omission.

2. If the nature of the complaint is based on an intentional act or omission, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.

3. If the nature of the complaint is based on fraud, no proceeding may be initiated after two years from discovery by the complainant.

4. If the nature of the complaint is based on a license or rules violation, no proceeding may be initiated after five years from the date of the act or omission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:21(A)and(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1824 (September 2003) amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:254 (February 2024).

§511. Formal Disciplinary Action

A. A decision to initiate formal disciplinary proceedings is made if one or more of the following conditions exist:

1. the complaint is sufficiently serious;
2. the individual fails to respond to the commission's correspondence concerning the complaint;
3. the individual's response to the commission's letter or investigative demand is not convincing that no action is necessary;
4. an informal approach is used, but fails to resolve all of the issues.

B. Informal Procedures

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of license, consent order, or settlement order. These actions shall constitute disciplinary action and shall be a public record of the commission. The commission shall publish the

individual's name, a brief description of the violation, and the disciplinary action.

C. Voluntary Surrender of License. An individual who is under investigation for violation of the provisions or requirements of the Part may voluntarily surrender his or her license or certification to the bureau. The voluntary surrender invalidates the license or certification at the time of its relinquishment. An individual practicing as a licensed EMS practitioner or a surrender is considered an illegal practitioner and is subject to the penalties provided by this chapter and RS 40:1131 et seq.

1. Any license surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of license surrender shall be deemed a disciplinary action and shall be reported and distributed in the same manner as final decisions of the commission.

2. Surrender or non-renewal of license shall not preclude the commission from investigating or completing a disciplinary proceeding based upon the individual's conduct prior to or subsequent to the surrender of license.

3. Individuals who surrender their license are not eligible for a reinstatement of their license for a minimum of two years following such surrender and, in addition, not until meeting the requirements for reinstatement of license as described in this Chapter.

D. Consent Order

1. An order involving some type of disciplinary action may be made by the commission with the consent of the individual.

2. The chair is authorized to offer the individual the choice of a consent order in lieu of an administrative hearing.

3. A consent order signed by an individual is an irrevocable offer by the individual until approved, or rejected, by the commission chair or designee.

4. A consent order requires formal approval of a quorum of the commission. All actions of the bureau shall be reported to the commission at its next regularly scheduled meeting.

5. A consent order is not the result of the commission's deliberation; it is the commission's formal approval of an agreement reached between the commission and the individual. The order is issued by the commission to carry out the parties' agreement.

a. Should the commission require evidence before arriving at a decision, the individual shall be notified and given an opportunity for a hearing.

b. Should the commission revise the terms of the agreement, said revised agreement shall be presented for the individual's acceptance. The commission may formulate its order contingent upon the individual's acceptance.

c. The commission shall have the right to refer any case directly to an administrative hearing without first offering a consent agreement.

E. Settlement Order

1. Disciplinary settlement committee, consisting of the chair, or a designee of the chair, and another member of the commission, is delegated the authority to render a final decision regarding settlement of a contested administrative matter by offering a settlement order in lieu of an administrative hearing. The settlement order shall be deemed

an order of the commission, effective immediately upon signature of all parties to the agreement.

a. The disciplinary settlement shall be submitted to the commission for review at the next regularly scheduled disciplinary hearing.

b. Should the disciplinary settlement committee be unable to successfully resolve a case, or should the committee believe that the public would be better protected by a decision rendered by the entire commission, the matter will be forwarded to the commission for a formal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:254 (February 2024).

§513. Formal Hearing

A. The commission has the authority, granted by R.S. 40:1133.4, to bring administrative proceedings against licensed EMS practitioners, applicants for licensure, individuals seeking enrollment or progression in an approved EMS education program, certified ambulance operators and individuals practicing EMS without licensure or certification. The commission and the individual are the parties to the proceeding. The individual has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. Notice and Service

1. The chair or a designee fixes a time and place for a hearing.

2. At least 30 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing, shall be sent to the individual respondent by any means authorized for such purpose by this Part.

3. At least 20 working days prior to the scheduled hearing date, the individual shall respond in writing as to his or her intention to appear or not appear at the scheduled hearing. At least 20 working days prior to the scheduled hearing date, the individual shall also file with the commission a written response to the specific allegations contained in the notice of charges. Allegations not specifically answered shall be deemed admitted.

4. If the individual does not appear, in person or through counsel, after proper notice has been given, the individual has waived these rights and the commission may proceed with the hearing without the presence of the individual.

5. An individual who fails without a valid continuance to appear at two consecutive meetings after being validly served with a notice to appear, as set forth in Subsection B of this Section, at each may be summarily suspended for such reason. Any such suspension shall continue until the individual appears for a hearing before the commission, opportunity for which shall be afforded at the next regularly scheduled meeting thereof.

C. Motions for Continuance

1. The commission shall not postpone cases that have been scheduled for hearing absent good cause. A written motion by a licensed EMS practitioner, applicant, or student

for a continuance shall be filed with the commission five working days prior to the time set for the hearing, except for extreme emergencies. The motion shall contain the reason for the request, which reason must be based upon good cause and have relevance for due process. Requests for continuances may be approved or denied by the chair or designee. No more than three requests for continuance shall be granted.

D. Subpoenas

1. The chair, or a designee of the commission, issues subpoenas for the commission for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

a. a subpoena requiring a person to appear and give testimony;

b. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has control.

E. Hearing

1. The hearing is held, at which time the commission's primary role is to hear evidence and argument, and to reach a decision. Any commission member, who because of bias or interest is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the commission members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

2. The commission shall be represented by a Louisiana Department of Health's attorney. Evidence is presented that disciplinary action should be taken against the individual. The individual may present evidence personally or through an attorney, and witnesses may testify on behalf of the individual.

3. Evidence includes the following:

a. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by requesting party) and/or by sworn affidavits;

b. documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports; such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference, if the incorporated materials are available for examination by the parties before being received into evidence;

c. visual, physical and illustrative evidence;

d. admissions, which are written or oral statements of a party made either before or during the hearing;

e. facts officially noted into the record, usually readily determined facts making proof of such unnecessary;

f. all testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

4. The chair of the commission presides and the customary order of proceedings at a hearing is as follows.

a. The director of the Bureau of EMS or their designee, or an attorney therefore, presents the case against the individual.

b. The individual, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The individual commission members ask relevant questions.

d. The individual, or his attorney, may make any statements.

e. The director of the Bureau of EMS or their designee or an attorney therefore, makes the final statement.

f. The commission may impose reasonable time limits on all sides in a hearing, provided that limits will not unduly prejudice the rights of the parties.

g. The commission may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record.

h. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

i. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

5. The records of the hearing shall include:

a. all papers filed and served in the proceeding;

b. all documents and other materials accepted as evidence at the hearing;

c. statements of matters officially noticed;

d. notices required by the statutes or rules, including notice of the hearing;

e. affidavits of service or receipts for mailing or process or other evidence of service;

f. stipulations, settlement agreements or consent orders, if any;

g. records of matters agreed upon at a pre-hearing conference;

h. orders of the commission and its final decision;

i. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

j. a transcript of the proceedings, if one has been made, or a tape recording or stenographic record;

k. the record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript. A party who appeals a decision of the commission shall pay all of the costs incurred by the Louisiana Department of Health for preparation of the original and any certified copy of the record of the proceeding that is required to be transmitted to the reviewing court.

6. The decision of the commission shall be reached according to the following process:

a. determine the facts in the issue on the basis of the evidence submitted at the hearing;

b. determine whether the facts in the case support the charges brought against the individual;

c. determine whether charges brought are a violation of the provisions or requirements of this Part.

7. The vote of the commission shall be recorded. Minority views may be made part of the record.

8. Sanctions against the individual who is party to the proceeding are based upon the findings of fact and

conclusions of law determined by the hearing. The party is notified by certified mail of the decision of the commission.

F. Disciplinary Sanctions

1. The type of disciplinary sanctions and length of time specified for the sanctions shall be determined on an individual basis, considering all facts pertinent to the case.

2. The commission may set forth guidelines with ranges of disciplinary sanctions from which disciplinary penalties may be imposed. These guidelines are intended to serve only as a guide for staff and commission members when considering penalties, which could be imposed for specific violations of the provisions or requirements of this Part. Guidelines are in no way binding on the commission when dealing with disciplinary matters. The commission may order license certification sanctions.

3. The disciplinary guidelines are based upon a single count violation. Multiple counts of violations of the same action, or other unrelated violations contained in the same complaint will be grounds for enhancement of penalties. Each day of a continuum of violations may be treated as a separate violation.

4. In determining sanctions, consideration may be given to aggravating or mitigating circumstances identified by the commission in addition to any other factors. The list of aggravating and mitigating circumstances in the guidelines is not to be considered an exclusive list of circumstances.

a. Aggravating circumstances may result in the commission issuing maximum sanctions, or they may justify enhancement of a penalty beyond the maximum guidelines.

b. Mitigating or extenuating circumstances may justify lessening of the sanctions below the minimum guidelines. License suspensions may be stayed with stipulated probations in some extenuating circumstances.

5. The order may stipulate remedial education, specific evaluation and therapy, and other sanctions as deemed necessary and appropriate to the case.

G. Reconsideration or Rehearing

1. The commission shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the commission's decision has been appealed.

2. The commission may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party files a petition requesting that the decision be reconsidered by the commission and specifies the particular grounds therefore.

3. A petition by a party for reconsideration or rehearing must be in proper form and filed within 20 days from the date of entry of the decision. A decision is deemed to be entered when it is signed by the chair or designee and sent by certified mail to the individual's address of record. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

a. the commission's decision is clearly contrary to the law and the evidence;

b. there is newly discovered evidence, which was not available to the individual at the time of the hearing and which may be sufficient to reverse the commission's action;

c. previously considered ought to be examined in order to dispose of the case properly;

d. it would be in the public interest to further consider the issues and the evidence;

e. upon the commission's receipt of a petition for rehearing or reconsideration, the commission may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the above stated reasons. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

H. Emergency Action

1. If the commission finds that public health, safety, and welfare requires emergency action and a finding to that effect is incorporated in its order, summary suspension of a license or certification may be ordered by the chair or designee pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined at the next regularly scheduled commission meeting.

I. Disciplinary Proceedings in Another Licensing Jurisdiction

1. When a licensed EMS practitioner has his or her license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons by the original certification/licensing jurisdiction or by a subsequent certification/licensing authority, that licensed or certified EMS practitioner shall be notified that his or her Louisiana license or certification is automatically suspended, except for the following:

a. nonpayment of fees;

b. a person in a recovery program for chemical dependency receives permission of the state of origin to transfer to another state;

c. the licensed EMS practitioner is issued a reprimand and the licensed EMS practitioner agrees to having his or her Louisiana License reprimanded identically to, or in excess of, the said jurisdiction's reprimand; or

d. the license is encumbered with a reprimand with stipulations and the licensed EMS practitioner agrees to having his or her Louisiana license probated with stipulations that are identical to, or exceed, the stipulations in said jurisdiction.

2. The licensed EMS practitioner may have his or her license reinstated provided that the licensed EMS practitioner:

a. provides evidence of an unencumbered license by the involved certification/licensing authority and

b. meets requirements for reinstatement of license as described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:255 (February 2024).

§515. Appeal from Commission Decision

A. Any person whose license has been revoked, suspended, denied, or otherwise disciplined by the commission shall have the right to have the proceedings of

the commission reviewed by the court having jurisdiction over the commission, provided that such appeal is made within 30 days after the date indicated on the registered mail receipt of the written notice of the commission's decision. The commission's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1827 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:257 (February 2024).

§517. Reinstatement of License

A. Application for reinstatement of a suspended or surrendered license shall be in writing.

B. The application for reinstatement of a suspended license certification does not require the satisfaction of all of the requirements for initial licensure. However, the requirements of this Part, as determined by the commission or bureau shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees), a hearing or conference is held before the commission to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the commission to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove that conditions that led to the suspension no longer exist and/or no longer affect the applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1828 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Commission, LR 50:258 (February 2024).

Steve Russo
Secretary

2402#050

RULE

Department of Public Safety and Corrections Corrections Services

Administrative Remedy Procedure (LAC 22:I.325)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §325, Administrative Remedy Procedure.

The Department of Public Safety and Corrections, Corrections Services, has deleted the sentence stating, "If the offender has been secured and is no longer in danger or imminent harm, the grievance procedure shall proceed as outlined within the deadlines and time limits stated in the Administrative Remedy Procedure." In accordance with 28

CFR §115.52, addition of sentence stating, "The initial response and final determination of whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance shall be documented." Other technical revisions have been made. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§325. Administrative Remedy Procedure

A. Purpose—to constitute the department's "administrative remedy procedure" for offenders as a regulation.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, and sheriffs or administrators of local jail facilities. Each unit head is responsible for ensuring that all unit written policies and procedures are in place to comply with the provisions of this regulation. Furthermore, the provisions of this regulation as amended are applicable retroactively, and thus apply to any policy, condition, action, or request for administrative remedy filed prior to the date.

C. Policy. It is the secretary's policy that all offenders and employees have reasonable access to and comply with the department's "administrative remedy procedure" through which an offender may seek formal review of a complaint. Offenders housed in local jail facilities shall also be afforded reasonable access to a grievance remedy procedure. Revisions shall be accomplished through this regulation under the signature of the secretary.

D. Administrative Remedy Procedure—Purpose

1. On September 18, 1985, the Department of Public Safety and Corrections installed in all of its adult institutions a formal grievance mechanism for use by all offenders committed to the custody of the department. The process bears the name Administrative Remedy Procedure (ARP). Offenders are required to use and complete all steps in the procedure properly, including obeying all rules of the procedural process, before they can proceed with a suit in federal and state courts. No action shall be brought in a federal or state court with respect to prison conditions by any offender confined in any jail or correctional facility until all available administrative remedies are properly exhausted.

2. Corrections Services has established the administrative remedy procedure through which an offender may seek formal review of a complaint which relates to any aspect of his incarceration if less formal methods have not resolved the matter. Such complaints and grievances include, but are not limited to any and all claims seeking monetary, injunctive, declaratory or any other form of relief authorized by law and by way of illustration, includes actions pertaining to conditions of confinement, personal injuries, medical malpractice, time computations, even though urged as a writ of habeas corpus, or challenges to rules, regulations, policies or statutes, including grievances such as discrimination based on disability, offender requests for accommodations under the Americans with Disabilities Act and for complaints of sexual abuse under the Prison Rape Elimination Act.

3. Through this procedure, offenders shall receive reasonable responses and where appropriate, meaningful remedies.

E. Definitions

ARP Screening Officer—a staff member, designated by the warden, whose responsibility is to coordinate and facilitate the administrative remedy procedure process.

Days—calendar days.

Emergency Grievance (or Request for Emergency Administrative Remedy)—a matter in which disposition within the regular time limits would subject the offender to a substantial risk of personal injury or cause other serious and irreparable harm to the offender.

Exhaustion—proper exhaustion only occurs when an offender files a timely and procedurally proper request for remedy, which after it is accepted, is addressed on the merits at both the first and second step. A request for administrative remedy which is rejected is not considered properly exhausted, as such request has not been addressed on its merits at either of the two steps.

Grievance (or Request for Administrative Remedy)—a written complaint by an offender on the offender's own behalf regarding anything relating to prison conditions, including but not limited to a policy applicable within an institution, a condition within an institution, an action involving an offender of an institution, an incident occurring within an institution, or discrimination based on disability.

NOTE: The pronouns "he" and "his" as used herein are for convenience only and are not intended to discriminate against female employees or offenders.

F. General Policy

1. Offenders may request administrative remedies to situations arising from policies, conditions or events within the institution that affect them personally, including discrimination based on disability.

2. All offenders, regardless of their classification, impairment or disability, shall be entitled to invoke this grievance procedure. It shall be the responsibility of the warden to provide appropriate assistance for offenders with literacy deficiencies or language barriers (including hearing and visual impairments).

3. There are procedures already in place within all DPS and C institutions which are specifically and expressly incorporated into and made a part of this administrative remedy procedure. These procedures shall constitute the administrative remedies for disciplinary matters and lost property claims.

a. General Procedures

i. Notification of Procedures

(a). Offenders must be made aware of the system by oral explanation at orientation and should have the opportunity to ask questions and receive oral answers.

(b). The procedures shall be posted in writing in areas readily accessible to all offenders.

(c). All offenders may request information about or assistance in using the procedure from their classification officer or from a counsel substitute who services their living area.

ii. Nothing in this procedure should serve to prevent or discourage an offender from communicating with the warden or anyone else in the department. All forms of

communication to the warden will be handled, investigated and responded to as the warden deems appropriate.

iii. The requirements set forth in this document for acceptance into the administrative remedy procedure are solely to assure that incidents which may give rise to a cause of action will be handled through this two step system of review.

iv. The following matters shall not be appealable through this administrative remedy procedure:

(a). court decisions and pending criminal matters over which the department has no control or jurisdiction;

(b). Board of Pardons and Parole decisions (under Louisiana law, these decisions are discretionary and may not be challenged);

(c). sex offender assessment panel recommendations;

(d). lockdown review board decisions (offenders are furnished written reasons at the time this decision is made as to why they are not being released from lockdown, if that is the case. The board's decision may not be challenged. However, a request for administrative remedy on lockdown review board hearings can be made in the following instances):

(i). that no reasons were given for the decision of the board;

(ii). that a hearing was not held within 90 days from the offender's original placement in lockdown or from the last hearing. There will be a 20 day grace period attached hereto, due to administrative scheduling problems of the board; therefore, a claim based on this ground will not be valid until 110 days have passed and no hearing has been held;

(e). warden's decision regarding restoration of good time.

v. A request for accommodation under the Americans with Disabilities Act made using the administrative remedy procedure process and the resolution of the offender's request shall be deemed to be exhaustion of the administrative procedure. The initiation of the process and deadlines and time limits stated in the administrative remedy procedure remain applicable.

vi. If an offender registers a complaint against a staff member, that employee shall not be involved in the decision making process on the request for remedy. However, this shall not prevent the employee from participating at the step one level, since this employee may be the best source from which to begin collecting information on an alleged incident.

vii. At each stage of decision and review, offenders will be provided written answers that explain the information gathered or the reason for the decision reached along with simple directions for obtaining further review.

viii. Prior to filing a grievance in federal or state court, unless specifically excepted by law, the offender must properly exhaust all available administrative remedies. Only after the request for administrative remedy is accepted can proper exhaustion occur. Exhaustion can only occur when a second step response on the merits has been issued.

ix. If an offender submits multiple requests during the review of a previous request, they will be logged and set aside for handling at such time as the request currently in the

system has been exhausted at the second step or until time limits to proceed from the first step to the second step have lapsed. The warden may determine whether a letter of instruction to the offender is in order.

x. In cases where a number of offenders have filed similar or identical requests seeking administrative remedy, it is appropriate to respond only to the offender who filed the initial request. Copies of the decision sent to other offenders who filed requests simultaneously regarding the same issue will constitute a completed action. All such requests shall be logged separately.

xi. When an offender has filed a request at one institution and is transferred prior to the review, or if he files a request after transfer on an action taken by the sending institution, the sending institution shall complete the processing through the first step response (form OP-C-13-ARP-2). The warden of the receiving institution shall assist in communication with the offender.

xii. If an offender is discharged before the review of an issue is completed that affects the offender after discharge, or if he files a request after discharge on an issue that affects him after discharge, the institution shall complete the processing and shall notify the offender at his last known address. All other requests shall be considered moot when the offender discharges and the process shall not be completed.

xiii. No action shall be taken against anyone for the good faith use of or good faith participation in the procedure.

(a). Reprisals of any nature are prohibited. Offenders are entitled to pursue, through the grievance procedure, a complaint that a reprisal occurred.

(b). The prohibition against reprisals should not be construed to prohibit discipline of offenders who do not use the system in good faith. Those who file requests that are frivolous or deliberately malicious may be disciplined under the appropriate rule violation described in the DPS and C "disciplinary rules and procedures for adult offenders."

b. Maintenance of Records

i. Administrative remedy procedure records are confidential. Employees who are participating in the disposition of a request may have access to records essential to the resolution of requests. Otherwise, release of these records is governed by R.S. 15:574.12.

ii. All reports, investigations, etc., other than the offender's original letter and responses, are prepared in anticipation of litigation and to become part of the attorney's work product for the attorney handling any anticipated future litigation of this matter; therefore these documents are confidential and not subject to discovery or the Public Records Act outlined in R.S. 44:1, et seq.

iii. Records shall be maintained as follows.

(a). An electronic log shall document the nature of each request, all relevant dates and disposition at each step.

(i). Each institution shall submit reports on administrative remedy procedure activity.

(ii). Cross references and notations shall be made on other appropriate databases such as ADA and PREA as may be warranted.

(b). Individual requests and disposition, and all responses and pertinent documents shall be kept on file at the institution or at headquarters.

(c). Records shall be kept four years following final disposition of the request.

c. Annual Review. The warden shall annually solicit comments and suggestions on the processing, the efficiency and the credibility of the administrative remedy procedure from offenders and staff. A report with the results of such review shall be provided to the chief of operations/office of adult services no later than January 31 of each year.

G. Initiating a Formal Grievance

1. Offenders are encouraged to resolve their problems within the institution informally, before initiating the formal process. Informal resolution is accomplished through communication with appropriate staff members. If an offender is unable to resolve his problems or obtain relief in this fashion, he may initiate the formal process. In order to ensure their right to use the formal procedure, a request to the warden shall be made in writing within a 90 day period after an incident has occurred. This requirement may be waived when circumstances warrant. The warden or designee shall use reasonable judgment in such matters. There is no time limit imposed for grievances alleging sexual abuse.

a. Initiating a Formal Grievance

i. The offender commences the process by completing a request for administrative remedy (form OP-C-13-ARP-1) or writing a letter to the warden, in which he briefly sets out the basis for his claim, and the relief sought. For purposes of this process, a letter is:

(a). any form of written communication which contains the phrase: "This is a request for administrative remedy" or "ARP;" or

(b). request for administrative remedy (form OP-C-13-ARP-1) at those institutions that wish to furnish forms for commencement of this process.

ii. The institution is not required to be responsible for furnishing the offender with copies of his letter of complaint. It is the offender's responsibility for obtaining or duplicating a copy of his letter of complaint through established institutional procedures and for retaining the copy for his own records. The form or original letter will become a part of the administrative record and will not be returned to the offender.

iii. Original letters or requests to the warden should be as brief as possible. Offenders should present as many facts as possible to answer all questions (who, what, when, where and how) concerning the incident. If a request is unclear or the volume of attached material is too great, it may be rejected and returned to the offender with a request for clarity or summarization on one additional page. The response deadline for a request for clarity or summarization begins on the date the resubmission is received by the ARP screening officer.

iv. No request for administrative remedy shall be denied acceptance into the administrative remedy procedure because it is or is not on a form; however, no letter as set forth above shall be accepted into the process unless it contains the phrase, "This is a request for administrative remedy or ARP."

b. Withdrawing a Formal Grievance. After filing a formal request for administrative remedy, the offender may request in writing that the warden or secretary cancel the administrative remedy request at any time and for any

reason. A withdrawn request cannot constitute a properly exhausted administrative remedy.

H. Emergency or Sensitive Issues

1. In instances where the offender's request is of an emergency or sensitive issue as defined below, the following procedures will apply.

a. If an offender feels he is subjected to emergency conditions, he must send an emergency request to the shift supervisor. The shift supervisor shall immediately review the request to determine the appropriate corrective action to be taken. All emergency requests shall be documented on an unusual occurrence report (form AM-I-4-W-1) by the appropriate staff member.

i. Abuse of the emergency review process by an offender shall be treated as a frivolous or malicious request and the offender shall be disciplined accordingly. Particularly, but not exclusively, matters relating to administrative transfers and time computation disputes are not to be treated as emergencies for purposes of this procedure, but shall be expeditiously handled by the shift supervisor, when appropriate.

b. If the offender believes the complaint is sensitive and that he would be adversely affected if the complaint became known at the institution, he may file the complaint directly with the secretary through the chief of operations/office of adult services (second step response-form OP-C-13-ARP-3). The offender must explain, in writing, his reason for not filing the complaint at the institution.

i. If the chief of operations/office of adult services agrees that the complaint is sensitive, he shall accept and respond to the complaint at the second step. If he does not agree that the complaint is sensitive, he shall so advise the offender in writing, and return the complaint to the warden's office. The offender shall then have five days from the date the rejection memo is received in the warden's office to submit his request through regular channels (beginning with the first step if his complaint is acceptable for processing in the administrative remedy procedure).

c. If an emergency complaint alleges that the offender is subject to a substantial risk of imminent sexual abuse, the grievance shall be sent immediately to the unit's PREA compliance manager who shall then immediately notify the unit's PREA investigator. The unit PREA compliance manager shall provide an initial response within 48 hours of receipt of the grievance outlining any corrective actions warranted and shall issue a first step response within five days. The initial response and final determination of whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance shall be documented.

I. Grievance Screening

1. The ARP screening officer shall screen all requests prior to assignment to the first step. The screening process should not unreasonably restrain the offender's opportunity to seek a remedy.

a. The ARP screening officer shall provide notice to the offender that his request is either:

- i. being accepted and will be processed, or
- ii. being rejected and will not be processed until the noted deficiency is corrected.

b. Accepted Requests

i. If the request is accepted, the warden, or designee, will assign a staff member to conduct further fact-finding and/or information gathering prior to rendering his response.

ii. Once an offender's request is accepted into the procedure, he must use the manila envelope that is furnished to him with the first step response (form OP-C-13-ARP-2) to continue in the procedure. The flaps on the envelope may be tucked into the envelope for mailing to the facility's ARP screening officer.

c. Rejected Requests

i. If a request is rejected, it must be for one of the following reasons:

(a). This matter is not appealable through this process, such as:

- (i). court decisions
- (ii). Board of Pardons and Committee on Parole decisions;
- (iii). sex offender assessment panel recommendations;
- (iv). lockdown review board (refer to Subsection F, General Policy).

(b). There are specialized administrative remedy procedures in place for this specific type of complaint, such as:

- (i). disciplinary matters;
 - (ii). lost property claims.
- (c). It is a duplicate request.
- (d). The complaint concerns an action not yet taken or a decision which has not yet been made.
- (e). The offender has requested a remedy for another offender (unless the request is a third party report of an allegation of sexual abuse).
- (f). The request was not written by the offender and a waiver was not approved. The only exception is if the offender has alleged sexual abuse. In this instance, the offender:

- (i). may seek help from a third party to file the initial grievance;
- (ii). must attach written authorization for the named third party to submit the grievance on the offender's behalf; and
- (iii). must personally pursue any remaining subsequent steps in the process, including participation in any resulting investigation.

(g). The offender has requested a remedy for more than one incident (a multiple complaint) unless the request is a report of an allegation of sexual abuse.

(h). Established rules and procedures were not followed.

(i). There has been a time lapse of more than 90 days between the event and the initial request, unless waived by the warden. Some exceptions may apply such as time computation issues, ADA issues, PREA issues, and on-going medical issues.

(j). The offender does not request some type of remedy unless the request pertains to an allegation of sexual abuse, in which case stopping the abuse is the implied request for remedy.

(k). The offender's request is unclear or the volume of attached material is too great.

(l). The offender requests a religious exemption via this administrative remedy procedure prior to exhausting the religious exemption process.

ii. The offender shall be provided written notification of the grounds upon which the rejection is based.

iii. A rejected request is not appealable to the second step. If a request is rejected for any of the reasons listed above, the offender must correct the noted deficiencies and resubmit the request to the ARP screening officer.

iv. The offender has not properly exhausted administrative remedies if his request is rejected for any of the reasons listed above.

J. Grievance Processing

1. The following process and time limits shall be adhered to in processing any ARP request.

a. First Step (time limit 40 days/5 days for PREA)

i. If an offender refuses to cooperate with the inquiry into his allegation, the request may be denied by noting the lack of cooperation on the appropriate step response and returning it to the offender.

ii. The warden shall respond to the offender within 40 days/5 days for PREA from the date the request is received at the first step utilizing the first step response (form OP-C-13-ARP-2).

iii. If the offender is not satisfied with the decision rendered at the first step, he should pursue his grievance to the secretary, through the chief of operations/office of adult services via the second step.

iv. For offenders wishing to continue to the second step, sufficient space will be allowed on the response to give a reason for requesting review at the next level. It is not necessary to rewrite the original letter of request as it will be available to all reviewers at each step of the process.

b. Second Step (time limit 45 days)

i. An offender who is dissatisfied with the first step response (form OP-C-13-ARP-2) may appeal to the secretary of the Department of Public Safety and Corrections by so indicating that he is not satisfied in the appropriate space on the response form and forwarding it to the ARP screening officer within five days of receipt of the decision.

ii. A final decision will be made by the secretary or designee and the offender shall be sent a response within 45 days from the date the request is received at the second step utilizing the second step response (form OP-C-13-ARP-3).

iii. A copy of the secretary's decision shall be sent to the warden.

iv. If an offender is not satisfied with the second step response (form OP-C-13-ARP-3), he may file suit in district court. The offender must furnish the administrative remedy procedure number on the court documents.

c. Deadlines and Time Limits. No more than 90 days from the initiation to completion of the process shall elapse, unless an extension has been granted. Absent such an extension, expiration of response time limits shall entitle the offender to move on to the next step in the process.

i. An offender may request an extension in writing of up to five days in which to file at any stage of the process.

(a). This request shall be made to the ARP screening officer for an extension to initiate a request; to the warden for the first step response (form OP-C-13-ARP-2) and to the secretary through the chief of operations/office of adult services for the second step response (form OP-C-13-ARP-3).

(b). The offender must certify valid reasons for the delay, which must accompany his untimely request. The issue of sufficiency of valid reasons for delay shall be addressed at each step, along with the substantive issue of the complaint.

ii. The warden may request permission for an extension of time not more than five days from the chief of operations/office of adult services for the step one review/response.

(a). The offender must be notified in writing of such an extension.

(b). Cumulative extensions of time shall not exceed 25 days unless the grievance concerns sexual abuse, in which case an extension of time up to 70 days may be made.

(c). If the extension is approved, written communication shall be sent to the offender of the extension and a date by which the decision shall be rendered. Reasons for the extension of time for unusual circumstances shall be maintained in the administrative record.

K. Monetary Damages

1. Based upon credible facts within a grievance or complaint filed by an offender, the Department of Public Safety and Corrections may determine that such an offender is entitled to monetary damages where such damages are deemed by the department as appropriate to render a fair and just remedy.

a. Upon a determination that monetary damages should be awarded, the only remaining question is quantum or the dollar amount of the monetary damages to be awarded.

b. The determination of quantum shall be made after a formal review by the case contractor for the Office of Risk Management within the Division of Administration. The determination reached by the case contractor shall be submitted to the Office of Risk Management and the Department of Public Safety and Corrections for a final decision.

c. If a settlement is reached, a copy of the signed release shall be given to the warden on that same date.

L. Lost Property Claims

1. The purpose of this section is to establish a uniform procedure for handling lost property claims filed by offenders in the custody of the Department of Public Safety and Corrections. Each warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this procedure and for advising offenders and affected employees of its contents.

a. When an offender suffers a loss of personal property, he may submit a lost personal property claim (form OP-C-13-a) to the warden or designee. The claim shall include the date the loss occurred, a full statement of the circumstances which resulted in the loss of property, a list of the items which are missing, the value of each lost item and any proof of ownership or value of the property available to the offender. All claims for lost personal property must be

submitted to the warden or designee within 10 days of discovery of the loss.

i. Under no circumstances will an offender be compensated for an unsubstantiated loss, or for a loss which results from the offender's own acts or for any loss resulting from bartering, trading, selling to or gambling with other offenders.

b. The warden or designee shall assign an employee to investigate the claim. The investigative officer shall investigate the claim fully and will submit his report and recommendations to the warden or designee.

c. If a loss of an offender's personal property occurs through the negligence of the institution and/or its employees, the offender's claim may be processed in accordance with the following procedures.

i. Monetary:

(a). the warden or designee shall recommend a reasonable value for the lost personal property as described on the lost personal property claim (form OP-C-13-a). The state assumes no liability for any lost personal clothing;

(b). a lost personal property claim response (form OP-C-13-b) and agreement (form OP-C-13-c) shall be completed and submitted to the offender for his signature; and

(c). the claim shall be submitted to the chief of operations/office of adult services for review and final approval.

ii. Non-monetary:

(a). the offender is entitled only to state issue where state issued items are available;

(b). the warden or designee shall review the claim and determine whether or not the institution is responsible;

(c). a lost personal property claim response (form OP-C-13-b) shall be completed and submitted to the offender for his signature;

(d). an agreement (form OP-C-13-c) shall be completed and submitted to the offender for his signature when state issue replacement has been offered.

d. If the warden or designee determines that the institution and/or its employees are not responsible for the offender's loss of property, the claim shall be denied, and a lost personal property claim response (form OP-C-13-b) shall be submitted to the offender indicating the reason. If the offender is not satisfied with the resolution at the unit level, he may indicate by checking the appropriate box on the lost personal property claim response (form OP-C-13-b) and submitting it to the ARP screening officer within five days of receipt. The screening officer shall provide the offender with an acknowledgment of receipt and date forwarded to the chief of operations/office of adult services. A copy of the offender's original lost personal property claim (form OP-C-13-a) and lost personal property claim response (form OP-C-13-b) and other relevant documentation shall be attached.

M. DPS and C Offenders Housed in Non-DPS and C Facilities

1. Offenders shall have reasonable access to a grievance remedy procedure that includes at least two levels of review if necessary.

a. A DPS and C offender housed in a non-DPS and C facility with a complaint that relates to time computation, requests for transfer, or transitional work program requests should submit his grievance request directly to DPS&C Headquarters Internal Affairs. A representative from Headquarters Internal Affairs shall respond to the offender within 90 days. If the offender is not satisfied with the response, he may file suit with the 19th Judicial District Court.

b. A DPS and C offender housed in a non-DPS and C facility with a complaint that relates to conditions of confinement, personal injuries, medical complaints, the classification process, challenges to rules, regulations, or policies, or any other complaint not outlined above in section a. should submit his grievance request to the jail administrator of the facility in which he is housed. If the offender is not satisfied with the response, he may file suit with the district court of the parish in which the facility is located.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 28:857 (April 2002), amended LR 28:1993 (September 2002), amended by the Department of Public Safety and Corrections, Corrections Services LR 37:3275 (November 2011), LR 39:2779 (October 2013), LR 45:672 (May 2019) LR 50:258 (February 2024).

James M. Le Blanc
Secretary

2402#016

RULE

Department of Public Safety and Corrections Gaming Control Board

Application Withdrawal License Surrender Form (LAC 42:III.120)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., has amended LAC 42:III.120.A.7 and LAC 42:III.120.A.8. The Rule change allows for the withdrawal of applications and surrender of licenses by fantasy sports and sports wagering applicants, licensees, and permittees. This Rule is hereby adopted on the day of promulgation.

Title 42
LOUISIANA GAMING
Part III. Gaming Control Board

Chapter 1. General Provisions

§120. Application and Reporting Forms

- A. - A.7.a.xix. ...
- b. application withdrawal license surrender form,
LGCB6707-22.
- 8. - 8.b.xxii. ...
- c. application withdrawal license surrender form,
LGCB6707-22.
- B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR. 26:340 (February 2000), amended LR 40:1379 (July 2014), LR 41:2176 (October 2015), LR 42:575 (April 2016), LR 47:256 (February 2021), LR 48:46 (January 2022), LR 50:264 (February 2024).

Ronnie S. Johns
Chairman

2402#008

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Governance and Processes
(LAC 28:CXXXIX.515, 2103, 2501, 4001, and 4003)

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:CXXXIX in *Bulletin 126—Charter Schools*. The aforementioned change modifies the application process to reduce duplicative efforts, requires charter board governance training, reduces from seven to four years the time in which business professional qualifications must be obtained, further outlines autonomy, and includes items regarding display of the national motto and completion of numeracy skills coursework in compliance with state laws.

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

§515. Application Components for BESE-Authorized Charter Schools

A. - D.2....

3. admission requirements, if any, that are consistent with the school's role, scope, and mission may be established in accordance with that permitted in R.S. 17:3991 and this bulletin;

4. - 7. ...

8. evidence of community engagement throughout the development of the charter application;

9. ...

10. - 12. Repealed

13. evidence that the curriculum meets Louisiana grade progression and ultimately graduation requirements and sets students up to master Louisiana state standards;

14. the school's plans for identifying and successfully serving students with disabilities, English language learners, students who are academically behind, and gifted and talented students, as applicable, in order to comply with applicable laws and regulations;

15. school rules, regulations, and disciplinary practices consistent with the requirements of R.S. 17:252 and that provides adequate due process;

16. - 20. Repealed.

21. ...

22. - 25. Repealed.

26. ...

27. explanations of any partnerships or contractual relationships central to the school's operations or mission, particularly education service providers;

28. ...

29. procedures for parents and staff to file complaints and for the charter to respond;

30. Repealed.

31. - 34. ...

35. - 36. Repealed.

37. ...

38. - 40. Repealed.

41. ...

42. - 46. Repealed.

47. - 49. ...

50. - 51. Repealed.

52. ...

53. - 54. Repealed.

E. - H.13 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 43:2477 (December 2017), LR 44:233 (February 2018), LR 44:2130 (December 2018), LR 47:572 (May 2021), amended LR 50:

Chapter 21. Charter School Governance §2103. Board Member Responsibilities

A. - G. ...

H. Beginning August 1, 2024, each president of a BESE-authorized charter board shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of assuming the role of board president.

I. Beginning June 1, 2025, each new member of the board of directors of a BESE-authorized charter operator shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of appointment to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:

Chapter 25. Charter School Fiscal Responsibilities §2501. Qualified and Competent Business Professional

A. - C. ...

D. All qualified and competent business professionals must acquire Certified Louisiana School Business Administrator (CLSBA) certification or Certified Louisiana Charter School Business Administrator (CLCSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the first date of hire as a qualified and competent business professional by any BESE-authorized charter school and maintain certification while employed as a qualified and competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA

license must remain in active status while employed as a qualified and competent business professional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018), amended LR 50:

Chapter 40. Charter School Autonomy

§4001. Applicability of State and Local Rules and Regulations

A. - A.16. ...

B. Unless otherwise mutually agreed upon by a charter school and authorizer, the charter school shall have complete autonomy over school operation in compliance with all applicable federal, state, and local laws and regulations. Unless otherwise stated in the charter contract, areas of school autonomy shall include but not be limited to the following;

1. school programming, instruction, curriculum, materials, texts, calendars, and schedules;
2. personnel, employment, salaries and benefits, educator certification and evaluation, performance management, participation in retirement planning and collective bargaining;
3. budgeting, purchasing, procurement, contracts, food service, and management of transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 50:

§4003. Applicability of State Laws

A. - A.48. ...

49. display of the national motto in each classroom in each school under its jurisdiction, R.S. 17:262;

50. completion of approved numeracy skills course in accordance with LAC 28: CXV.511, R.S. 17:24.13;

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:

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 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, March 11, 2024, 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: Governance and Processes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change modifies the charter school application process for increased efficiency, requires charter board governance training coordinated by the Louisiana Department of Education (LDOE), modifies the timeline for completion of business professional qualifications, and addresses autonomy and applicability of state laws.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change will not have an effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups. The governance training coordinated by LDOE will be offered at no charge to charter board members, although other options for completion of the training may be available for a cost.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
Third Party Entity Evaluation Process
(LAC 28: CXLVII.101 and 104)

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*. Pursuant to Act 63 of the 2023 Regular Legislative Session regarding educator credentials, the proposed revisions define the process and requirements for approval as a third-party entity (TPE) that is authorized to evaluate educators contracted to public school systems. Successful evaluation is required for the purposes of issuance and renewal of educator certification. The revisions

detail the observation, evaluation process instrument, and rubric and scale used to determine a final evaluation score/rating.

**Title 28
EDUCATION**

**Part CXLVII. Bulletin 130—Regulations for the
Evaluation and Assessment of School Personnel
Chapter 1. Overview**

§101. Guidelines of the Program

A. Each LEA must develop a uniform system for the annual evaluation of certified and other professional personnel.

B. - C. ...

D. An entity may be considered for BESE approval to conduct educator evaluations for the purposes of certification issuance, renewal, or advancement when the teacher provides instruction in a public school but is not employed by the local governing authority. The entity is required to utilize a uniform system for the annual evaluation of certified personnel.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:

§104. Third Party Entity Evaluation Programs

A. Third Party Entity is defined as an entity that employs a teacher who provides instruction in a public school but is not employed by the public school governing authority.

B. When the employer is a BESE-approved third party entity, the evaluation shall be completed by the employer or the designee.

C. The LDOE shall develop a process and criteria for review of third party entity applicants prior to making a recommendation for BESE approval and shall notify BESE of any revisions.

1. A third party entity seeking BESE approval shall submit proposed evaluation tools to the LDOE for review according to the established process and timeline.

2. The evaluation process instrument shall include an observation tool, measure of student achievement or other evidence of student success, an evaluation rubric, an evaluation scale, and assignment of final score or rating.

3. The entity may use the LDOE adopted rubric and student growth measures.

D. BESE approval shall remain valid contingent upon continued compliance with the provisions of this Section.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

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 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, March 11, 2024, 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: Third Party Entity Evaluation Process

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The changes define the process and requirements for approval as a third-party entity (TPE) that is authorized to evaluate educators contracted to public school systems. Successful evaluation is required for the purposes of issuance and renewal of educator certification. The revisions detail the observation, evaluation process instrument, and rubric and scale used to determine a final evaluation score/rating.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Educators who may have been unable to renew certification due to an inability to receive evaluations will be able to receive evaluations and maintain status as certified Louisiana educators.

Beth Scioneaux
Deputy Superintendent
2402#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Educator Credentials (LAC 28:CXXXI.Chapter 3, Chapter 5, Chapter 7, Chapter 11, Chapter 13, Chapter 15, Chapter 17, Chapter 21, Chapter 23, and Chapter 25)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions make various

changes that include: adopt reading exam to reduce number of tests that must be taken by preservice elementary teachers; adopt computer science exam in response to recommendation of the Computer Science Education Advisory Commission; align across bulletins or legislation; remove duplicative language; reorganize information; update requirements for foreign equivalency transcripts; align military OS certification issuance with legislation; remove unused or obsolete EEL and Pre-PL certification; update OFAT renewal requirements; add resident certificate for use in early learning centers; clarify ECAC language and non-practicing status for individuals called to military duty; remove certification duplication and reduce bureaucracy for areas in which a license is issued by another authorizing board; add artist, talented, and library endorsements; remove CLU and reinstatement coursework requirements; and technical edits.

**Title 28
EDUCATION**

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

Chapter 3. Initial Teacher Certification

**Subchapter A. Teacher Certification Areas and Required
Competencies**

§303. Certification Exam 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. Praxis scores, for certification purposes, must be received by the LDOE via the electronic ETS Praxis score report forwarded directly from ETS, or the original official Praxis score report issued by ETS submitted with the certification application.

B. - D.1.b. ...

c. Elementary Multiple Subjects (5001), effective 9/1/15, or Louisiana Elementary Multiple Subjects (7001), effective 6/1/24, consisting of four separately timed subjects. Subtests from either series (5001 or 7001) may be combined to meet all four subtest requirements:

i. Reading Language Arts (5002), score 157, or Reading Language Arts (7002), for scores as outlined in Paragraph 2 of this Subsection; and

ii. Mathematics (5003), score 157, or Mathematics (7003), effective 6/1/24, score 157; and

iii. Social Studies (5004), score 155, or Social Studies (7004), effective 6/1/24, score 155; and

iv. Science (5005), score 159, or Science (7005), effective 6/1/24, score 159.

2. Effective 1/1/24, Teaching of Reading: Elementary (5205), score 159, or Reading Language Arts (7002) is required, in accordance with §303.O of this Part. Candidates already enrolled in the year-long residency and holding either the PL or R credential prior to 1/1/25 are not subject to this provision.

3. - E.1.b ...

c. Elementary Multiple Subjects (5001), effective 9/1/15, or Louisiana Elementary Multiple Subjects (7001), effective 6/1/24, consisting of four separately timed subtests. Subtests from either series (5001 or 7001) may be combined to meet all four subtest requirements:

i. Reading Language Arts (5002), score 157, or Reading Language Arts (7002), for scores as outlined in Paragraph 2 of this Subsection; and

ii. Mathematics (5003), score 157, or Mathematics (7003), effective 6/1/24, score 157; and

iii. Social Studies (5004), score 155, or Social Studies (7004), effective 6/1/24, score 155; and

iv. Science (5005), score 159, or Science (7005), effective 6/1/24, score 159.

2. Teaching of Reading: Elementary (5205), effective 1/1/24, score 159, or Reading Language Arts (7002) is required, in accordance with §303.O of this part. Candidates already enrolled in the year-long residency and holding either the PL or R credential prior to 1/1/25 are not subject to this provision.

3. - I.1.b. ...

c. Computer Science

i. Computer Science (5652), effective 6/1/24, score 149; or

ii. 30 semester hours of Computer Science Coursework, for completers of a BESE-approved program effective until 6/1/27.

I.d. - N.1.c. ...

d. A candidate for the educational leader, level 1 certification who earns a passing score on the LLAS during the pilot phase (2019) will be eligible for the educational leader, level 1 certificate if the candidate has met all other requirements for the graduate degree pathway or one of three alternate pathways.

N.2. - O.3. ...

4. Elementary Teaching Reading Language Arts Subtest (7002), effective 6/1/24 to 12/31/26, score 138; or

5. Elementary Teaching Reading Language Arts Subtest (7002), effective 1/1/27 to 12/31/28, score 147; or

6. Elementary Teaching Reading Language Arts Subtest (7002), effective 1/1/29, score 153.

P. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81.

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 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:

**Chapter 5. Teaching Credentials, Licenses and
Certifications**

Subchapter A. Standard Teaching Certificates

§503. Introduction

A. There are six types of standard teaching certificates issued by the state of Louisiana:

1. - 4. ...

5. practitioner 1, 2, and 3 licenses; and

6. Repealed.

7. ...

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 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 46:01375 (October 2020), LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022), amended LR 50:

§505. General Provisions

A. - A.4. ...

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency to have the certificate returned to practicing status with validity for the number of years remaining in the renewal period of the certificate.

6. - 7. ...

B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required. Also required is a letter of assurance from the teacher documenting that the unmet policy requirements will be completed within a specified amount of time, as determined by LDOE. The final authority for approval and policy flexibility is at the discretion of the LDOE.

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 35:2752 (December 2009), amended LR 38:3137 (December 2012), LR 40:1330 (July 2014), amended LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022), amended LR 50:

§507. Professional Level Certificates

A. - B.12. ...

C. Out-of-state (OS) Graduate Eligibility and Foreign Applicant 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 awarded from an institution outside of the United States and not accredited by one of the U.S. accrediting agencies may be submitted to a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate or graduate degree in the field of education; and

C.1. - C.9. ...

D. - D.2. Repealed.

E. - H.3. ...

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 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), amended LR 50:

§511. Out-of-State (OS) Certificate

A. - B.6. ...

7. Active military or military spouse out-of-state applicants stationed in Louisiana will be issued the relevant standard professional level teaching certificate or eligibility for a five-year certificate, contingent upon the following.

a. A copy of military or military spouse out-of-state orders transferring the applicant or spouse to Louisiana must be submitted to LDOE.

b. LDOE will verify that all standard professional level teaching certificates from other states are in good standing.

c. A background check must be conducted in accordance with Louisiana statute to verify compliance with standards of practice.

d. Notification of eligibility will be issued no later than 20 days from the receipt of a complete application.

e. Once employed in Louisiana, a five-year standard professional level teaching certificate will be issued at the request of the Louisiana employing authority.

C. - C.5. ...

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), amended LR 50:

§513. World Language Certificate (WLC) PK-12

A. - C. ...

1. minimum of baccalaureate degree in education or equivalent preparation in education from a foreign country with the status of the degree determined by the LDOE, or if LDOE staff cannot make a degree equivalent determination, the candidate credentials must be evaluated by a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) with the course-by-course evaluation and U.S. degree equivalence;

2. - 4. ...

5. A request for issuance must be submitted by the Louisiana employing authority or LDOE World Languages Office.

D. - 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), amended LR 50:

§517. Extended Endorsement License (EEL)

Repealed.

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 48:434 (March 2022), repromulgated LR 48:1038 (April 2022), repealed LR 50:

§521. Certification of Personnel in Nonpublic School Systems Meeting Nonpublic Standards

A. - B. ...

1. A nonpublic school principal, assistant principal, or headmaster must hold a graduate degree in any area from an institution accredited in accordance with 34 CFR 602, have principalship on the Louisiana teaching certificate, or hold the EDL certificate. The principal is to be a full-time, on-site employee and may be a teacher as well as the educational administrator of the school.

2. Assistant principals who do not meet minimum qualifications may be retained in a school if they were employed in that school during the 1992-93 school year as an assistant principal.

B.3. - C. ...

1. hold a valid Louisiana teaching certificate for the courses taught;

C.2. - H. ...

I. Credentials for graduates of foreign universities or colleges must be evaluated by a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) for evaluation according to the LDOE procedures. After reviewing the evaluation, the local administrator shall determine if the applicant is qualified to teach according to the requirements of this Section, and a copy of the evaluation shall be kept on file in the principal's office.

I.1. - K.4. ...

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 48:436 (March 2022), repromulgated LR 48:1039 (April 2022), amended LR 50:

Subchapter B. Nonstandard Teaching Credentials

§528. Pre-Practitioner License

A. The pre-practitioner license is a temporary, non-renewable certificate issued in accordance with provisional admittance into an alternate certification program pursuant to LAC 28:XLV. Effective June 1, 2024, Pre-Practitioner Licenses will no longer be issued.

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; 17:7(6), and 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:255 (February 2023), LR 50:

§529. Out-of-Field Authorization to Teach (OFAT)

A. ...

B. Eligibility requirements. Issued to an applicant who holds a valid type C, type B or B*, type A or A*, level 1, level 2 or 2*, level 3 or 3*, or OS teaching certificate but is teaching outside of the certified area(s).

1. - 3. Repealed.

C. OFAT Stipulations

1. LEAs must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, and that there is no regularly

certified, competent, and suitable person available for the position, and that the applicant is the best-qualified person for the position.

2. - 2.b....

3. A renewal of the OFAT for the LDOE designated areas will not be considered for individuals who lack 50 percent or more of the requirements to fulfill the OFAT.

D. ...

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 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 50:

§535. Resident Teacher Certificate (R)

A. - C.1. ...

2. placement in a classroom in a public or approved nonpublic school or classroom at a Type III Early Learning Center that has maintained consecutive years of LDOE-issued academic approval in the certification area 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

C.3. - 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 48:438 (March 2022), repromulgated LR 48:1042 (April 2022), LR 49:40 (January 2023), amended LR 50:

Subchapter C. Ancillary Teaching Certificates

§537. Introduction

A. - A.2.f. ...

- g. mentor teacher ancillary;
- h. content leader ancillary;
- i. school counselor;
- j. school librarian; and
- k. dyslexia practitioner or therapist.

3. ...

B. Renewal Guidelines. The initial validity period, unless otherwise noted, is for five years, with renewal thereafter for a period of five years at the request of an LEA.

C. Unless otherwise noted, for renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during the initial certification or renewal period in accordance with §103 of this Part.

D. Unless otherwise noted, a request for issuance or renewal must be submitted by the Louisiana employing authority.

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 48:439 (March 2022), repromulgated LR 48:1042 (April 2022), amended LR 50:

§539. Artist or Talented Certificate

A. - B.1. ...

2. Eligibility requirements. An advanced degree or substantive evidence of artistic and/or creative accomplishment over an extended period of time, as verified by the requesting LEA.

2.a. - 4. Repealed.

C. - C.2. ...

3. Eligibility requirements. The individual must have a minimum of one year of effective experience working with students in the specific arts and at the level for which employed, verified in accordance with §103 of this Part:

a. graduate degree in Art, Music, Theatre Liberal Arts, or Theatre Education or substantive evidence of artistic and/or creative accomplishment over an extended period of time, as verified by the requesting LEA; and

b. experience outside of a school setting may be considered if verified as successful on official letterhead from the employing authority.

3.c. - 5. Repealed.

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 48:439 (March 2022), repromulgated LR 48:1043 (April 2022), amended LR 50:

§541. Early Childhood Ancillary Certificate

A. The early childhood ancillary certificate (ECAC) authorizes an individual to teach in a publicly-funded early learning center serving children ages birth to five as defined in R.S. 17:407.33, unless program requirements mandate a professional-level certificate. After June 30, 2019, an individual shall have, at a minimum, an early childhood ancillary certificate to serve as a lead teacher in a publicly-funded early learning center. An application for an ECAC may be submitted by the individual or the employer.

B. - B.2. ...

a. For individuals meeting eligibility requirements with a CDA, the early childhood ancillary certificate shall be valid for a three-year period. The ancillary certificate may be renewed by the LDOE at the request of the applicant employer with submission of either documentation of a renewed, valid CDA credential, awarded by the Council for Professional Recognition, or documentation of:

i. either a 3 semester-hour course or 45 clock hours of approved training or professional development in early childhood care and education completed within the last three years; and

a.ii. - b. ...

i. either a 3 semester-hour course, 45 clock hours of training in early childhood care and education completed within the last three years or a valid CDA credential earned from a BESE-approved early childhood ancillary certificate program and awarded by the council for Professional Recognition; and

ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:440 (March 2022), repromulgated LR 48:1043 (April 2022), amended LR 50:

§543. Nonpublic Montessori Teacher Certificate

A. - B.2. ...

a. at least one year of effective teaching experience in a Montessori school verified in accordance with §103 of this Part; and

b. Repealed

2.c. - 3.a. ...

b. at least one year of effective teaching experience in a Montessori school verified in accordance with §103 of this Part; and

c. Repealed

d. ...

C. Repealed.

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 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:

§545. Family and Consumer Sciences Occupational Programs

A. - B.2. ...

3. minimum of 2,000 hours, or one year, of successful work experience in the area of occupational certification.

C. Provisional Certification renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years in accordance with §537 of this Part.

D. - D.2. ...

3. all experience must be verified as effective, in accordance with §103 of this Part.

E. Repealed.

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 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:

§547. Junior Reserve Officers Training Corps Instructor (ROTC)

A. - B.2. ...

C. Repealed.

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 48:441 (March 2022), repromulgated LR 48:1045 (April 2022), amended LR 50:

§548. Counselor K-12 (Counselor in a School Setting)

A. Eligibility Requirements Prior to June 30, 2017. For candidates who completed all courses and degree requirements by June 30, 2017, the endorsement add-on requirements include:

1. graduate degree in school counseling from an institution accredited in accordance with 34 CFR 602 or a graduate degree with the equivalent hours and courses required for a graduate degree in school counseling; and

2. graduate training that includes 24 semester hours of professional courses distributed so that at least one course will be taken in each of the following basic areas:

a. principles and administration of school counseling programs;

b. career and lifestyle development;

c. individual appraisal;

d. counseling theory and practice;

e. group processes;

f. human growth and development;

g. social and cultural foundations in counseling; and

h. supervised practicum in a school setting.

3. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's

request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

B. Eligibility Requirements Effective June 30, 2017

1. Completion of a standards-based graduate degree program in counseling from an institution accredited in accordance with 34 CFR 602 and approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP), and candidates completing counseling programs not in the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program.

2. Practicum/Internship Requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contact hours; and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting.

3. Pass the Praxis examination in school guidance and counseling in accordance with §303 of this Part; and

4. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

§549. Math for Professionals Certificate

A. - C.1.c. ...

2. Repealed.

3. ...

D. Repealed.

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 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022), LR 50:

§550. School Librarian

A. School Librarian Eligibility Requirements:

1. graduate degree in library science from an institution accredited in accordance with 34 CFR 602; and

2. passing score on Praxis school librarian examination.

B. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

§551. Dyslexia Ancillary Certificate (Optional)

A. - A.1. ...

a. hold a valid Louisiana OS, type C, level 1, or higher teaching certificate; and

1.b. - 2. ...

a. Renewal must be in accordance with §537 of this Part.

b. Candidates shall submit verification that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

B. - B.1. ...

a. hold a valid Louisiana OS, type C, level 1, or higher teaching certificate;

b. - c. ...

2. Renewal Requirements.

a. Renewal must be in accordance with §537 of this Part.

b. Candidates shall submit verification that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

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 48:442 (March 2022), repromulgated LR 48:1045 (April 2022), amended LR 50:

§553. Mentor Teacher (MT) Ancillary Certificate

A. - C.4. ...

5. enrolled in or have completed a BESE-approved mentor training program.

6. An application for Ancillary Provisional Mentor Teacher may be submitted by the individual for applicants holding a valid type C, level 1, or higher Louisiana teaching certificate.

D. - E.7. ...

8. Individuals who currently hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

E.9. - F. ...

1. Teachers in charter schools who do not hold a type C, level 1, or higher certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

F.2. - G.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022), LR 48:2099 (August 2022), LR 49:1375 (August 2023), amended LR 50:

§555. Content Leader (CL) Ancillary Certificate (Optional)

A. - D. ...

1. Teachers in charter schools who do not hold a type C, level 1, or higher certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a type C, level 1, or higher certificate must earn effective ratings per local personnel evaluations for at least three years

during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:443 (March 2022), repromulgated LR 48:1047 (April 2022), amended LR 50:

Subchapter D. Special Considerations for Teachers Called to Active Military Duty

§557. Introduction

A. A teacher employed on a Louisiana certificate of any type who is called to active military duty will not be penalized for the time spent in active service. The educator may request non-practicing status by presenting copies of official documents indicating beginning and ending dates of active military duty when applying for the certification status change.

B. - C. Repealed.

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 48:443 (March 2022), repromulgated LR 48:1047 (April 2022), amended LR 50:

Chapter 7. Ancillary School Service Certificates

§701. Introduction

A. ...

B. Non-practicing status for all ancillary school service certificates may be issued by the LDE in accordance with §505.

C. A request for issuance or renewal of the Ancillary Service certificate must be submitted by the employing Louisiana school system. The LDOE will issue a letter of eligibility for an initial Ancillary Service certificate to qualified applicants not employed by a Louisiana school system at the time of application.

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 32:1822 (October 2006), amended LR 38:3138 (December 2012), LR 48:444 (March 2022), repromulgated LR 48:1050 (April 2022), amended LR 50:

Subchapter A. General Ancillary School Certificates

§705. Counselor K-12 (Counselor in a School Setting)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (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 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:1383 (October 2020) , LR 48:445 (March 2022), repromulgated LR 48:1051 (April 2022), repealed LR 50:

§709. Educational Transliterater

A. - C. ...

1. hold certification as a cued speech transliterater from a national or state recognized organization or certifying body; or

C.2. - 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 41:2129 (October 2015), amended LR 45:527 (April 2019), amended LR 48:446 (March 2022), repromulgated 48:1052 (April 2022), amended LR 50:

§711. School Librarian

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:1232 (July 2009), LR 38:3139 (December 2012), LR 48:446 (March 2022), repromulgated LR 48:1053 (April 2022), repealed LR 50:

§717. Social Worker

A. ...

B.1. Beginning June 1, 2024, a licensed social worker who holds a current, valid Louisiana license with the Louisiana Board of Social Work Examiners is considered certified by BESE if the individual:

1. is licensed as a licensed clinical social worker (LCSW) in accordance with R.S. 37:2701 et seq.; or

a. - b. Repealed.

2. holds a certificate as a licensed master social worker (LMSW) in accordance with R.S. 37:2701 et seq.; and

3. receives supervision by a LCSW in accordance with R.S. 37:2707.

C. - C.2. Repealed.

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 48:447 (March 2022), repromulgated LR 48:1053 (April 2022), amended LR 50:

§721. Special Education Examiners

A. - B.1.b. ...

2. Qualified licensed audiologist. Beginning June 1, 2024, a licensed audiologist who holds a current, valid Louisiana license with the Louisiana Board of Examiners Speech-Language Pathology and Audiology is considered certified by BESE.

a. - b. Repealed.

C. - C.2.a ...

b. Repealed.

c. - D.3.b.iv. ...

4. Beginning January 1, 2025, the requirements for initial issuance of a school psychologist certificate will be those of the National Association of School Psychologists (NASP). A psychologist who meets the qualifications of NASP is considered certified by BESE.

E. - F.3. ...

a. baccalaureate degree in speech/language pathology or related field from an institution accredited in accordance with 34 CFR 602; and

b. - G.1.b. ...

2. Qualified certificate in speech pathology. Beginning June 1, 2024, a licensed speech pathologist who holds a current, valid Louisiana license with the Louisiana Board of

Examiners to serve as a speech pathologist is considered certified by BESE.

a. - 3. Repealed.

H. - H.3.a. ...

b. certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist and is considered valid for continuous service as long as the ASHA license is valid.

4. Repealed.

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 32:1824 (October 2006), amended LR 35:2325 (November 2009), LR 38:43 (January 2012), LR 39:1465 (June 2013), LR 45:1462 (October 2019), LR 48:448 (March 2022), repromulgated LR 48:1054 (April 2022), amended LR 50:

§723. Educational Leader in Special Education Ancillary Certificate

A. - B. ...

C. Renewal Guidelines. Valid for a period of five years and may be renewed thereafter at the request of the LEA. Candidates must successfully meet the standards of effectiveness in accordance with §103 of this Part for at least three years during the five-year period of validity. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not qualify the candidate for the educational leader certificate level 1 (EDL 1), educational leader certificate level 2 (EDL 2), or educational leader certificate level 3 (EDL 3).

D. The candidate must:

1. hold one of the below valid Louisiana ancillary certificates or be considered certified by BESE by holding the valid Louisiana license issued by the appropriate licensing board:

a. - b. Repealed.

c. - j. ...

2. have at least three years of experience working with students with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

3. ...

4. provide documented evidence of leadership experiences (240 clock hours or more) aligned with performance expectations in accordance with LAC 28:CXXXVII, Bulletin 125, at the school and/or district level; and

5. ...

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 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 48:450 (March 2022), repromulgated LR 48:1056 (April 2022), amended LR 50:

Subchapter B. School Therapists

§725. Overview

A. - C.2. ...

D. Occupational Therapy. Beginning June 1, 2024, the following are considered certified by BESE.

1. Certified Licensed Occupational Therapist Assistant (COTA)—a person who holds a current, valid COTA license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners. A COTA must work under the supervision of a Licensed Occupational Therapist.

a. - c. Repealed.

2. Occupational Therapist Provisional Certification—a person who holds a temporary license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Louisiana State Board of Medical Examiners.

a. - b. Repealed.

3. Occupational Therapist Full Certificate—a person who holds a current, valid license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners.

a. - b. Repealed.

E. Physical Therapy. Beginning June 1, 2024, the following are considered certified by BESE:

1. Physical Therapist Assistant (PTA)—a person who holds a current, valid PTA license to assist in the practice of physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners. A PTA must work under the supervision of a licensed physical therapist.

a. - c. Repealed.

2. Physical Therapist Provisional Certification—a person who holds a current, valid temporary license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

a. - b. Repealed.

3. Physical Therapist Full Certificate—a person who holds a current, valid license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

a. - b. Repealed.

F. Certified Behavior Analyst. Beginning June 1, 2024, the following are considered certified by BESE:

1. Assistant Behavior Analyst (BCaBA)—a person who holds a current assistant level certification issued by the Behavior Analyst Certification Boards (BACB) or other nationally credentialing bodies as approved by the BACB. A BCaBA must work under the direct supervision of a Board Certified Behavior Analyst (BCBA). A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

a. - b. Repealed.

2. Behavior Analyst (BCBA)—a person who holds a current behavior analyst certification issued by the Behavior

Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

a. - b. Repealed.

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 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:450 (March 2022), repromulgated LR 48:1057 (April 2022), amended LR 50:

Chapter 11. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§1107. CTTIE Certificate Eligibility Requirements

A. Repealed.

B. - B.1. ...

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP (Classification of Instructional Programs) area in the selected career and technical field, of which at least one year of full time work experience or 1,920 hours of experience must have been acquired within the five years immediately prior to certification:

a. technical diploma or associate degree, certification of completions of registered apprenticeship, or certificate of training completion from a Louisiana Workforce Commission (LWC) approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. ...

c. graduates with a graduate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. - f. ...

g. applicants with an earned bachelor's degree, and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience.

h. applicants with prior teaching experience at a postsecondary institution, certificate of completion of registered apprenticeship, or certificate of training completion from LWC approved training provider in the selected instructional field may apply those years of teaching at a postsecondary institution toward the required work experience. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B.3. - C. ...

1. Applicants shall meet the requirements for the CTTIE Provisional certificate; and

2. - 2.h. Repealed.

C.3. - D.1.a. ...

b. successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with §103 of this Part and

c. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 43:1317 (July 2017), LR 48:452 (March 2022), repromulgated LR 48:1060 (April 2022), amended LR 50:

§1109. CTTIE Areas of Specialization

A. - C.1. ...

D. Athletic Trainer Eligibility Requirements

1. ...

2. Applicants pursuing a graduate degree in athletic training who are working as an athletic trainer graduate assistant or athletic trainer intern at a university accredited in accordance with 34 CFR 602 may count the work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics training at the university with the actual number of hours worked and assigned duties.

E. Career Explorations Awareness Skills eligibility requirements:

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, with two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or a valid standard Louisiana teaching or school counselor certification; and

2. Jobs for America's Graduates (JAG) Louisiana training or Quest for Success training.

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 48:453 (March 2022), repromulgated LR 48:1061 (April 2022), amended LR 50:

Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. ...

1. A generalized reference to a Praxis exam means the applicable BESE-adopted exam(s) in policy, with the established passing score(s) in accordance with §303 of this Part.

2. - 8. ...

9. Beginning September 1, 2024, for educators eligible to teach grades kindergarten through third grade and special education areas, the Teaching of Reading Elementary exam and indicated semester hours, or equivalent contact hours are required.

B. - C. ...

D. The requirements in §1305.A.3; §1307.A.3; §1313.A.4, B.3; §1315.A.3, B.3; §1317.A.4, B.4; §1327.A.3, B.3, and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022), amended LR 49:1717 (October 2023), amended LR 50:

Subchapter A. Regular Education Level and Area Endorsements

§1305. Requirements to add Birth to Kindergarten

A. - A.3. ...

B. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022), amended LR 50:

§1307. Requirements to add Early Childhood (Grades PK-3)

A. - B.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

B.5. - C.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

D. - D.2. ...

3. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022), amended LR 50:

§1309. Requirements to add Elementary (Grades 1-5)

A. - A.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

B. - B.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:455 (March 2022), repromulgated LR 48:1064 (April 2022), LR 48:2555 (October 2022), amended LR 50:

§1313. Requirements to add a Secondary (Grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)

A. - A.2. ...

3. if adding a foreign language after 6/30/13, earn a passing Praxis score for world languages pedagogy; and

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam(s) required for the content area or 30 credit hours in the specialty content area; and

2. earn a passing Praxis score for world languages pedagogy for any foreign language add-on after 6/30/13; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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 48:456 (March 2022), repromulgated LR 48:1064 (April 2022), amended LR 50:

§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. ...

1. earn a passing score for Praxis secondary specialty area exam in the content area or 21 credit hours in the specialty content area;

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; or

2. earn 21 credit hours in the specialty content area; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:

§1317. Requirements to add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, Theater, and Music)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; or
2. earn 30 semester hours in the specialty content area; and
3. earn a passing Praxis score for world languages pedagogy for any foreign language add-on after 6/30/13; and
4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

B. - B.3. ...

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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 48:457 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:

§1319. Artist or Talented Endorsement

A. An artist or talented endorsement is issued to a certified teacher who has earned an advanced degree in an artistic or talented field, or who has produced evidence of creative accomplishments over an extended period of time. An artist or talented endorsement allows the holder to provide artistic and/or creative services in a regular classroom to children at any grade level.

B. Artists. Areas: art, creative writing, drama, dance, music, theater, and visual arts.

1. Certification is granted only in the specific area requested.

2. Eligibility Requirements. Issuance requires an advanced degree in art, music, theater, liberal arts, or theater education or substantive evidence of creative accomplishments over an extended period of time as verified by the requesting LEA.

C. Talented. Areas: music, theater, and visual arts.

1. The endorsement qualifies the holder to provide talented services.

2. The endorsement is granted only in the specific area requested.

3. Eligibility Requirements. Endorsement issuance requires an advanced degree in art, music, theater, liberal arts, or theater education or substantive evidence of creative accomplishments over an extended period of time as verified by the requesting LEA; and

- a. The individual must have a minimum of one year of successful experience working with students in the specific arts area and at the grade level for which employed, verified in accordance with §103 of this Part.

- b. Experience outside of a school setting may be considered if verified as successful on official letterhead from the employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

Subchapter B. Special Education Level and Area Endorsements

§1321. Requirements to add Academically Gifted

A. - A.2.e. ...

3. three semester hours in a practicum for academically gifted, an internship for college credit in academically gifted, or three years of successful teaching experience in academically gifted verified in accordance with §103 of this Part.

B. - D. ...

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 48:457 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:

§1323. Requirements to add Early Interventionist Birth to Five Years

A. - A.3. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022), amended LR 50:

§1325. Requirements to add Deaf or Hard of Hearing K-12

A. - A.4. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), amended LR 50:

§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010

A. - A.1.f. ...

2. passing score for Praxis Mild to Moderate Pedagogy exam

3. ...

4. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

5. Individuals holding a valid OS, type C, level 1, or higher teaching certificate in upper elementary or middle school certificate grade levels 4-8, 5-8, or 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, all-level special education certificate in significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must meet the requirements of this Subsection and earn the following:

a. passing score on Praxis Elementary Education in accordance with §303 of this Part; and

b. passing score on Principles of Learning and Teaching (PLT) K-6.

B. Mild/Moderate Middle Grades 4-8 and Secondary 6-12

1. - 1.d....

e. Instructional Practices in Special Education. Three semester hours that provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grade levels 6-12 with concentration in areas of literacy and numeracy;

f. Self-Determination and Transition. Three semester hours in self-determination and development, implementation and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination and provides an understanding of the special education transition process as specified by federal and state guidelines with the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation/leisure and

2. passing score for Praxis Mild to Moderate Pedagogy exams in accordance with §303 of this Part; and

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301. of this Chapter in alignment with the literacy foundations competencies.

4. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

5. Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must also earn the following:

a. Mild/Moderate 4-8. A passing score for Principles of Learning and Teaching (PLT): 5-9, and a

passing score for Middle School Content Exam(s) in accordance with §303 of this Part.

b. Mild/Moderate 6-12. A passing score for Principles of Learning and Teaching (PLT): 7-12, and a passing score for Secondary Core Content Exam(s) in accordance with §303 of this Part.

6. Individuals holding a valid upper elementary or middle school certificate in grade levels 4-8, 5-8, or 6-8 must also earn the following.

a. Mild/Moderate 6-12. A passing score for Principles of Learning and Teaching (PLT): 7-12, and a passing score for Secondary Core Content Exam(s) in accordance with §303 of this Part.

7. Individuals holding a valid secondary certificate in grade levels 6-12, 7-12, or 9-12, an all-level special education certificate for significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must also earn the following:

a. Mild/Moderate 4-8. A passing score for Principles of Learning and Teaching (PLT): 5-9, and a passing score for Middle School Content Exam(s) in accordance with §303 of this Part.

C. - E.3. Repealed.

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 48:458 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022), amended LR 50:

§1329. Requirements to add Significant Disabilities 1-12

A. - A.4. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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: 48:460 (March 2022), repromulgated LR 48:1069 (April 2022), LR 48:2556 (October 2022), amended LR 50:

§1331. Requirements to add Visual Impairments/Blind K-12

A. - A.3. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:461 (March 2022), repromulgated LR 48:1069 (April 2022), amended LR 50:

Subchapter C. All Other Teaching Endorsement Areas

§1337. Adult Education Instructor

A. - A.2. ...

a. five years of adult education experience prior to September 1982 implementation of certification requirements; or

A.2.b. - B. ...

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 48:461 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 50:

§1345. Child Search Coordinator

A. - A.1. ...

2. graduate degree from a college or university accredited in accordance with 34 CFR 602;

3. - B. ...

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 48:462 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 50:

§1349. Counselor K-12 (Counselor in a School Setting)

A. Individuals holding a valid teaching certificate or professional licensure and who completed all courses and degree requirements by June 30, 2017, will have the endorsement added to certificates based upon graduate training that included 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:

A.1. - B.4. ...

C. Repealed.

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 48:1071 (April 2022), LR 48:2102 (August 2022), amended LR 50:

§1355. Educational Technology Areas

A. - B.1.c.ii.(d). ...

2. Repealed.

C. - C.3. ...

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 48:463 (March 2022), repromulgated LR 48:1072 (April 2022), amended LR 50:

§1359. English as a Second Language

A. ...

1. valid standard professional level teaching certificate; and

2. - B. ...

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 48:464 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:

§1360. Geometry

A. ...

1. valid OS or standard, professional level Louisiana teaching certificate or higher; and

2. ...

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 48:2102 (August 2022), LR 48:2731 (November 2022), amended LR 50:

§1361. Instructional Coaching

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

d. internship, three semester hours in which university and school districts collaborate to ensure meaningful and practical experiences in actual school settings during the course of the educational leadership program.

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 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:

§1365. Reading Specialist

A. - B.3.c. ...

C. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:

§1367. School Librarian

A. ...

1. Valid OS, type C, level 1, or higher Louisiana teaching certificate;

2. - 2.b....

c. elementary and/or secondary school library practice, three semester hours; or three years of successful experience as a school librarian, verified in accordance with §505 of this Part; or

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602 and a passing score on the Praxis library examination.

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 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:

§1369. Mentor Teacher

A. A certification to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard professional level teaching certificate for teachers meeting the eligibility requirements.

B. Eligibility requirements. Successfully complete a BESE-approved mentor teacher training program and earn a passing score on the Louisiana mentor teacher assessment series.

i. - iii. Repealed.

C. - E. ...

F. Individuals who currently hold a valid National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the Mentor Teacher add-on endorsement, and allows the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the

eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

6. Repealed.

G. Certified CLASS® observers may apply for the mentor teacher add-on endorsement, which qualifies the individual to serve as a mentor of undergraduate or post-baccalaureate residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in this Section.

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 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:

§1371. Content Leader

A. - B. ...

1. Repealed.

2. - 3. ...

C. Individuals who have successfully completed LDOE content leader training from November 1, 2017, through July 31, 2020, in accordance with Subsection B of this Section, are eligible for content leader certification.

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 48:466 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§1503. Introduction

A. The educational leadership certification structure provides for four levels of leader certification: teacher leader; educational leader level 1; educational leader level 2; and educational leader level 3. The teacher leader certificate is an option for a teacher to be identified as a teacher leader and is not a state required credential for a specific administrative position. The educational leader level 1 certificate is an entry-level certificate for individuals seeking to qualify for school and/or district leadership positions such as assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions. An individual advances from a level 1 to a level 2 certificate after successfully meeting standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902, and completing the required years of experience. The level 3 certificate qualifies an individual for employment as a district assistant superintendent or superintendent. The LDOE will issue a letter of eligibility for an EDL certificate to requesting educators not currently serving in an educational leadership role.

B. ...

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams, when not in violation of law. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within a specified time period, as determined by the LDOE. The final

authority for approval and policy flexibility is at the discretion of the LDOE.

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, 17:411, and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:

§1505. Educational Leader Certificate Level 1 (EDL 1)

A. - A.1. ...

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. - 3.b. ...

c. provide documented evidence of leadership experiences of 240 clock hours or more aligned with performance expectations as listed in LAC 28:CXXXVII Bulletin 125 at the school and/or district level; and

d. ...

e. service as a mentor teacher or content leader is limited to a combined total of 100 clock hours.

4. - 5.a. ...

5.b. - 6. Repealed.

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 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), amended LR 50:

§1507. Educational Leader Certificate Level 2 (EDL 2)

A. ...

1. hold or be eligible to hold a EDL 1 certificate, Louisiana provisional principal certification, OSP2, or comparable level out-of-state educational leader certificate;

2. have three years of successful teaching experience;

3. ...

4. Repealed.

5. meet the standards of effectiveness as an educational leader for three years in accordance with §303 of this Part.

6. Repealed.

B. Renewal Requirements. An EDL 2 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of EDL 2 certificate. Individuals who are employed in a leadership capacity must successfully meet the standards of effectiveness as a leader, in accordance with §103 of this part, for at least three years during the five-year initial or renewal period.

1. - 2. Repealed.

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 48:467 (March 2022), repromulgated LR 48:1076 (April 2022), amended LR 50:

§1509. Educational Leader Certificate Level 3 (EDL 3)

A. - A.1.a. ...

b. three years of successful teaching experience;

c. - d. ...

B. Renewal Requirements. An EDL 3 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. Individuals who are employed in a leadership capacity must successfully meet the standards of effectiveness as a leader, in accordance with §103 of this Part, for at least three years during the five-year initial or renewal period.

1. - 2. Repealed.

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 48:468 (March 2022), repromulgated LR 48:1076 (April 2022), LR 50:

**§1517. Educational Leader Certification
Implementation Timeline**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), repealed LR 50:

Subchapter B. Out-of-State Administrative Certification Structure

§1519. Out-of-State Principal Level 1 (OSP1)

A. This is a five year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant principal in a Louisiana public school system, and is issued upon employment as a principal or assistant principal in a Louisiana public school system.

1. ...

a. an out-of-state certificate as a principal or comparable educational leader certificate;

b. ...

c. must have been regularly employed as an assistant principal or principal for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana.

1.d. - 2.Repealed.

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 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), amended LR 50:

§1521. Out-of-State Principal Level 2 (OSP2)

A. - A.1. ...

a. hold or be eligible to hold an OSP1 certificate;

b. completion of Louisiana PRAXIS requirements for school leaders or qualify for exam exclusion in accordance with R.S. 17:8.4(A)(3) by fulfilling a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA.

b.i. - c. Repealed.

B. Renewal Requirements. Individuals who are employed in a leadership capacity must meet the standards of effectiveness as an educational leader, in accordance with §103 of this Part, during the validity period of the OSP2

certificate for at three years during the five-year initial or renewal.

C. Repealed.

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 48:469 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:

§1523. Out-of-State Superintendent (OSS)

A. - A.1.a. ...

b. a certificate from another state with authorization to serve as a school superintendent;

c. - e. ...

2. Renewal Requirements. Individuals must earn effective ratings per local personnel evaluations as a leader for at least three years during the five-year initial or renewal period.

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 48:470 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:

**Subchapter C. Administrative and Supervisory
Endorsements**

§1527. Elementary School Principal

A. ...

1. valid Type A or Level 3 Louisiana teaching certificate for the elementary school;

2. - 5.b.ii.(a). ...

(b). school facilities; or

A.5.b.ii.(c). - 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. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:470 (March 2022), repromulgated LR 48:1079 (April 2022), amended LR 50:

§1529. Secondary School Principal

A. - A.5.b.ii.(a). ...

(b). school facilities; or

A.5.b.ii.(c). - 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. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:471 (March 2022), repromulgated LR 48:1079 (April 2022), amended LR 50:

Subchapter D. All Other Supervisory Endorsements

§1541. Introduction

A. In addition to those areas of supervision and administration embraced within the educational leader certification structure, the following supervisory endorsements are available to candidates holding a valid Louisiana teaching certificate:

1. - 3. ...

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 48:473 (March 2022), repromulgated LR 48:1081 (April 2022), amended LR 50:

§1543. Supervisor of School Libraries—Eligibility Requirements

A. ...

1. valid Type A or Level 3 Louisiana certificate authorizing school library service;

2. - 3. ...

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 48:473 (March 2022), repromulgated LR 48:1081 (April 2022), LR 48:2102 (August 2022), amended LR 50:

§1545. Supervisor of Parish or City Materials and/or Media Centers

A. ...

1. valid Type A or Level 3 Louisiana teaching certificate;

2. - 3.d....

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 48:473 (March 2022), repromulgated LR 48:1082 (April 2022), amended LR 50:

Chapter 17. Certification Appeal Process

§1703. Appeal Process

A. - A.3. ...

a. lack exam requirements for initial certification or administrative certification;

b. - d. ...

e. lack a degree; or

f. ...

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 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:2557 (October 2022), amended LR 50:

Chapter 21. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§2101. General Provisions

Repealed.

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 48:474 (March 2022), repromulgated LR 48:1083 (April 2022), repealed LR 50:

§2105. Continuing Learning Units (CLUs)

Repealed.

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 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), repealed LR 50:

Chapter 23. Approved Courses to Reinstate Lapsed Certificates

§2301. Period of Validity

A. The period of validity for a Louisiana lifetime teaching certificate is subject to the provision that the certificate holder does not allow a period of five or more

consecutive calendar years of disuse to accrue, and/or the certificate is not revoked by the State Board of Elementary and Secondary Education acting in accordance with law. As applicable to certificate validity, the term disuse is defined as a period of five consecutive calendar years in which a certificated individual is not a teacher of record for at least one semester, or 90 consecutive days. If such a period of disuse occurs, the certificate has lapsed. Lapse does not apply to certificates renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

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 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), LR 50:

§2303. Reinstatement of a Lapsed Certificate

A. A lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of five years. During the reactivated period the holder must earn effective ratings in accordance with LAC 28:CXLVII Bulletin 130, for at least three years during the five-year reactivated period. Once three effective evaluations are earned, the certificate will be reinstated to lifetime validity. The request for reinstatement must be submitted directly to the LDOE by the Louisiana employing authority. Reinstatement does not apply to certificates renewable via the standards of effectiveness in accordance with LAC 28:CXLVII Bulletin 130.

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 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), LR 50:

§2305. Certificate Reinstatement Coursework

Repealed.

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 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), repealed LR 50:

Chapter 25. Definitions

§2501. Terms

Content Leader Ancillary Certificate—a type of certificate that authorizes an individual to serve as a school- or district-based instructional expert who is responsible for delivery of professional development aligned with state content standards found throughout the Louisiana Administrative Code, Title 28, Education.

Core Subject Areas—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; history; and geography.

Endorsement—a permanent certification, license, or credential added to an existing teaching certificate.

Equivalent Contact Hours—time spent with the instructor, time spent practicing or engaging in instruction, or a combination of both. One credit hour is equivalent to 15 contact hours.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

Industry Based Certification—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas such as certified landscape technician, ASE certification, or licensed cosmetologist.

Louisiana Employing Authority or Local Education Agency (LEA)—a BESE-approved school or other BESE-approved entity employing a Louisiana educator for the purposes of providing educational services to Louisiana students. The BESE-approved school or entity is responsible for the evaluation of educators and submission of certification requests in accordance with Louisiana law and BESE policy. These include Louisiana approved public, charter, and non-public schools, BESE-approved third party entities contracted to school systems, and BESE-approved early learning centers.

Mentor Teacher—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with yearlong residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII *Bulletin 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 48:478 (March 2022), repromulgated LR 48:1086 (April 2022), amended LR 50:

§2503. Acronyms

LDOE—Louisiana Department of Education, may also be referenced as LDE or department.

LEA—Louisiana Employing Authority or Louisiana Education Agency.

NASDTEC—National Association of State Directors of Teacher Education and Certification.

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 48:479 (March 2022), repromulgated LR 48:1087 (April 2022), amended LR 50:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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, March 11, 2024, 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: Educator Credentials

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change provides for: adoption of a reading exam to reduce number of tests required for teacher certification; adoption of a computer science exam in response to recommendation of the Computer Science Education Advisory Commission; alignment of bulletins with legislation; removal of duplicative language; reorganization of information; updating requirements for foreign equivalency transcripts; aligning military out-of-state certification issuance with legislation; removing unused or obsolete Extended Endorsement License and Pre-Practitioner Level certification; updating Out-of-Field Authority to Teach renewal requirements; adding resident certificates for use in early learning centers; clarifying Early Childhood Ancillary Certificate language and non-practicing status for individuals called to military duty; removing certification duplication and reducing bureaucracy for areas in which a license is issued by another authorizing board; adding artist, talented, and library endorsements; removing Continuing Learning Unit requirements and reinstating coursework requirements; and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change may result in a decrease in the number of certification applications received by the Louisiana Department of Education (LDOE), resulting in a reduced collection of the associated \$50 certification fee. The number of applications that will not be received is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will decrease the need for application fees paid by educators submitting applications for initial, renewal, or advanced credentials and will reduce redundant licensure for professional areas. More potential teachers will be eligible for certification through expanding the Temporary Employment Permit, but some educators that currently have to submit certification applications to LDOE will no longer be required to do so, like physical and occupational therapists who are already licensed by their professional boards. LDOE expects proposed rule changes will result in a net decrease in certification applications received.

Further, the addition of the reading exam reduces the number, and thus the cost, of required tests necessary for elementary certification. The Praxis Teaching of Reading exam cost is \$156, and the Praxis Elementary Multi Subject exam cost is \$180 combined, or \$64 for each of the four individual subtests. Educators will have the option to meet the reading exam requirement of R.S. 17:8.1 through the reading portion of the Multi Subject exam or through the Teaching of Reading exam, potentially costing an educator \$180 instead of \$336 for the content exams required for some certification areas. This exam may also be used for educators moving from upper

grades content areas to grades K-3 as a more cost-effective way to meet the reading exam requirement.

The computer science exam addition will provide a more expeditious route to computer science certification, which currently requires the accumulation of 30 credit hours of coursework. This exam cost is currently set at \$130.

Finally, revisions to certification reciprocity will grant military families transferring into Louisiana an expedited pathway to state credentialization.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have an effect on competition and employment by facilitating computer science certification and by providing more streamlined and cost-effective pathways to certification for educators.

Beth Scioneaux
Deputy Superintendent
2402#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Educator Preparation Program Providers
(LAC 28:XLV.Chapter 3, Chapter 4, Chapter 5,
Chapter 7, and Chapter 9)

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:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The proposed revisions provide clarity to educator preparation program providers and address the following: submission requirements following denial for program applicants; implementation dates and scoring for the Early Childhood Quality Rating System; inclusion of family child care home providers with academic approval in the quality rating system; repeal of obsolete subchapters; program considerations regarding associate teachers; and technical edits.

TITLE 28 EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. - D. ...

E. Upon receipt, teacher, early childhood ancillary certificate program, and/or educational leader proposals will undergo a preliminary review by the LDE for completeness. Proposals that are determined to be complete and meet all initial submission requirements will undergo an evaluation process conducted by a panel of reviewers. Proposals that do not meet all initial submission requirements will receive a notice of pending denial. Providers must provide the required material within seven days. If providers do not

provide the required material, the proposal will be denied. Proposals may be resubmitted no sooner than one calendar year following denied applications at two consecutive approval cycles.

F. - H.1. ...

2. If BESE does not grant initial approval of the proposed program, the teacher, early childhood ancillary certificate program, or educational leader provider is eligible to resubmit the proposal. Proposals may be resubmitted no sooner than one calendar year following denied applications at two consecutive approval cycles.

I. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:1757 (July 2022), LR 50:

Chapter 4. Teacher and Leader Preparation Program Accountability, Renewal and Approval

§405. Louisiana Teacher Preparation Quality Rating System

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

d. school system-based teacher preparation programs may use the same methodology described above to define high-need certification areas and high-need schools at the local level;

3. - 3.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), LR 48:1757 (July 2022), LR 50:

Chapter 5. Louisiana Early Childhood Ancillary Certificate Program Accountability, Renewal, and Approval

§503. Early Childhood Ancillary Certificate Quality Rating System Participation and Performance Profile Implementation Timeline

A. For early childhood ancillary certificate programs that obtain BESE approval prior to September 1, 2023:

1. The 2021-2022 academic year will be an initial pilot phase for the early childhood ancillary certificate program quality rating system. The 2022-2023 and 2023-2024 academic years will be an extended pilot phase for the early childhood ancillary certificate program quality rating system. BESE-approved early childhood ancillary certificate programs will be given the opportunity to participate in a pilot on-site review using the rubric maintained by the LDOE. If produced, individual early childhood ancillary certificate program performance profiles will not be published.

2. The 2024-2025 and 2025-2026 academic years will be a learning phase. There will be no consequences for early childhood ancillary certificate programs as a result of performance profiles or quality ratings during the learning phase. Performance profiles for the 2024-2025 and 2025-2026 learning phase will be publicly available in fall 2027 and will clearly indicate that the performance profile is informational and assigned during a learning phase.

3. The 2026-2027 academic reporting year will be the first year of the initial two-year renewal cycle.

B. - B.2. Repealed.

C. For early childhood ancillary certificate programs that obtain BESE approval after September 1, 2026, the two-year renewal cycle will begin on September 1 of the year directly following BESE approval.

D. Beginning with the 2023-2024 academic year, any early childhood ancillary certificate program that obtains BESE approval prior to September 1 of that academic year must participate in the early childhood ancillary certificate program quality rating system during that academic year. BESE approval shall be terminated for any program that does not participate in the quality rating system or any component thereof.

E. Beginning with the fall semester of 2027, the LDOE will annually produce and make publicly available on the LDOE website a performance profile and quality rating for each BESE-approved early childhood ancillary certificate program. The quality rating will not be used to make judgments about renewal of early childhood ancillary certificate program approval until the spring semester of 2027.

F. Beginning with ratings assigned in the fall semester of 2027, Louisiana early childhood ancillary certificate quality rating system results will serve as the basis for early childhood ancillary certificate program renewal. The renewal cycle will be two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1088 (April 2022), LR 50:

§505. Louisiana Early Childhood Ancillary Certificate Quality Rating System

A. - B.2. ...

a. Program candidates shall include candidates who teach in Type III child care centers and family child care home providers with academic approval, enroll in the early childhood ancillary certificate program, and receive a scholarship through Louisiana Pathways to attend the BESE-approved program.

b. Progress toward attainment of the early childhood ancillary certificate will be measured by program candidates' attainment of credentialing milestones, including satisfactory academic progress, attainment of the CDA, and LDOE-issued certification.

3. Early Childhood Teacher Quality. Quality shall be measured by program candidates' CLASS® scores.

a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1089 (April 2022), LR 50:

§507. Quality Rating Calculation

A. - B. ...

C. The early childhood ancillary certificate program experience score shall be determined by the last available on-site review rating. All numbers used in the on-site review

calculation process shall be rounded to the nearest tenth, unless otherwise specified.

* * *

D. The building workforce capacity score shall be determined by the calculation of an index score, to be calculated as follows.

1. The number of candidates in each category below will be multiplied by the corresponding index points

Candidate Complete	Index Points
Starts program but does not complete any course intervals within a year of cohort completion	0
Completes only the initial course interval within a year of cohort completion	25
Completes all coursework but does not obtain a CDA within a year of cohort completion	50
Completes coursework and obtains a CDA but does not obtain the ECAC within a year of cohort completion	75
Obtains the ECAC within a year of cohort completion	100

D.2. - E.4. ...

* * *

F. The LDOE shall analyze results from the 2024-2026 learning cycle and may recommend additional policy for BESE consideration for 2026-2027 and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1090 (April 2022), LR 50:

Chapter 7. Louisiana State Standards for Educator Preparation Programs
Subchapter A. Traditional Teacher Preparation Programs

§703. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§705. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§707. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§709. Minimum Requirements for Approved Regular Education Programs for Grades PK-3

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§711. Minimum Requirements for Approved Regular Education Programs for Grades 1-5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§713. Minimum Requirements for Approved Regular Education Programs for Grades 4-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§715. Minimum Requirements for Approved Regular Education Programs for Grades 6-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§717. College of Art/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§719. Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§721. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 1-5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§723. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 4-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§725. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 6-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§727. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

§729. Minimum Requirements for Approved Teacher Education Program for Speech, Language, and Hearing Specialists

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:

Subchapter B. Alternate Teacher Preparation Programs

§731. Introduction

Repealed.

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 43:1325 (July 2017), amended, LR 43:2491 (December 2017), repealed LR 50:

§733. The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements)

Repealed.

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 43:1325 (July 2017), repealed LR 50:

§735. The Master's Degree Program Alternative Path to Certification (Minimum Requirements)

Repealed.

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 43:1325 (July 2017), repealed LR 50:

§737. Certification-Only Program Alternative Path to Certification

Repealed.

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 43:1325 (July 2017), repealed LR 50:

§739. The State as a Private Provider

Repealed.

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 43:1325 (July 2017), repealed LR 50:

Subchapter C. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. - C.2.c. ...

d. teacher preparation providers may seek approval to offer an innovative residency model that does not meet the minimum instructional time requirements but meets a specific workforce need and includes high-quality clinical experiences throughout the program and intensive clinical experiences throughout the residency year; and

e. A candidate holding a valid associate teacher permit in accordance with LAC 28:CXV.525. (Bulletin 741) shall be deemed as appropriately meeting the undergraduate residency requirements and shall be considered a resident teacher by BESE during the final two semesters of the approved undergraduate preparation program.

C.3. - 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 17:411, and 17:7.2.

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), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), amended LR 50:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - D.4. ...

a Beginning with the 2020-2021 academic year, candidates enrolled in an alternate teacher preparation program who serve as a teacher of record must be mentored five hours per week, of the school's instructional time, during the first year, by a school-based mentor teacher, who may collaborate with other personnel providing mentoring support.

D.4.a.i. - F.4.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 17:411; and 17:7.2.

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), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), amended LR 50:

Subchapter D. Alternate Educational Leader Preparation Programs

§747. Educational Leader Practitioner (Residency) Program

A. ...

1. Admission to the Program. Program providers work with local educational agency or state/ school system-approved charter school personnel to identify educational

leader practitioner program candidates who will be employed by the local educational agency or approved charter school (hereinafter referred to as hiring authority). For admission, candidates must:

1.a. - 10. ...

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 43:1333 (July 2017), amended LR 45:229 (February 2019), amended LR 50:

Chapter 9. The Components of Effective Teacher Preparation

Subchapter A. Standard A: Candidates Provide Effective Teaching for All Students

§917. School Improvement [Formerly §417]

A. The teacher education program provides candidates at both the initial and advanced levels with preparatory experiences in school improvement that includes taking an active role in school decision-making and creating relevant partnerships.

Unacceptable	Acceptable	Target
Candidates understand the processes of school improvement.	Candidates review and are familiar with school improvement efforts at the school and school system levels	Candidates participate in school improvement efforts by serving on committees and forming partnerships with community groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:2330 (November 2009), LR 37:565 (February 2011), amended LR 50:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended,

or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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, March 11, 2024, 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: Educator Preparation Program Providers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule

change. The proposed change provides clarity to educator preparation program providers and addresses the following: submission requirements following denial for program applicants; implementation dates and scoring for the Early Childhood Quality Rating System; inclusion of family child care home providers with academic approval in the quality rating system; repeal of obsolete subchapters; program considerations regarding associate teachers; and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures Third Grade Students with a Reading Deficiency (LAC 28:XXXIX.701)

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:XXXIX in Bulletin 1566—*Pupil Progression Policies and Procedures*. Act 422 of the 2023 Regular Legislative Session requires revisions to BESE policy regarding pupil progression plans. The aforementioned revisions implement policy regarding promotion or retention of certain students with reading deficiencies that have not been remediated by the end of third grade. A student must score above the lowest achievement level on the literacy screener and may be given three attempts prior to the subsequent academic year. Such a student will be screened for dyslexia and may be promoted under certain stipulations.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Chapter 7. Promotion and Support Policy

§701. Promotion and Support Standard for Grades 3-7

A. - C.2. ...

D. Beginning with the 2024-2025 school year, a third grade student with a reading deficiency as demonstrated by the student scoring at the lowest achievement level in reading on an end-of-year literacy screener in accordance with LAC 28:XXV.2307. *Bulletin 741* shall be provided with two additional opportunities to score a higher achievement level on the literacy screener prior to the beginning of the

subsequent academic year. A student who does not score above the lowest achievement level on the literacy screener after three attempts shall be screened for dyslexia and shall not be promoted to the fourth grade unless promoted for good cause as outlined in Subsection E. of this Section.

E. Promotion to Fourth Grade for Good Cause.

1. A student who does not meet the literacy criteria for promotion may be promoted to fourth grade if the student meets at least one of the following conditions:

a. A limited English proficient student has been enrolled in an English language assistance program for fewer than two years.

b. An IEP indicates that the screener is not appropriate for the student with a disability.

c. A student with an IEP or 504 Plan has received intensive reading intervention for two years and still scores at the lowest achievement level on the literacy screener.

d. A student with an IEP or 504 Plan was previously retained in kindergarten, first, or second grade and still scores at the lowest achievement level on the literacy screener.

e. A student has received intensive evidence-based structured literacy intervention for two or more years, still scores at the lowest achievement level, does not meet exceptional criteria, and was previously retained for a total of two years in kindergarten, first, second, or third grade. For the purposes of this Section, intensive reading intervention includes targeted intervention in a small group with progress monitoring documented through an individual reading improvement plan.

f. A student has been diagnosed with dyslexia.

g. The student demonstrates an acceptable level of proficiency on a BESE-approved alternative standardized assessment. Alternative assessments will be presented for BESE approval upon recommendation of LDOE. A student scoring Mastery on the English language arts section of the LEAP 2025 assessment may be considered for promotion.

2. Promotion to fourth grade may be considered for a student who meets a good cause as indicated in this Section. Such promotion shall be considered as follows:

a. The teacher shall confer with the parent or guardian of the student to determine whether promotion based on an exemption should be pursued.

b. The teacher shall submit documentation to the school principal that promotion is appropriate for the student. The documentation shall clearly demonstrate that the student meets at least one of the criteria for good cause and shall reflect the decision of the parent or guardian to allow the request for promotion.

c. The principal shall review the request and documentation provided by the teacher and determine whether to make a written recommendation for promotion. Such recommendation shall be made in writing to the local superintendent.

d. The local superintendent shall review the request and documentation provided by the school principal and, in writing, accept or reject the recommendation. Written notification shall be provided to the parent or guardian and the school principal.

e. The parent or guardian shall have the option to have the child retained in third grade even if the

determination of the principal and superintendent is to have the student promoted to fourth grade.

3. Students promoted for good cause shall be provided an individual reading improvement plan using the LDOE form provided.

a. Each plan shall include specialized diagnostic information and intensive evidence-based structured literacy instruction and intervention

b. The school shall confer with the parent or guardian to communicate the support provided according to the plan, the protocol for progress monitoring, and suggestions for strategies families can use at home.

c. Each LEA shall assist schools and teachers in implementing evidence-based reading strategies shown to be successful in improving reading among students with persistent reading difficulties.

4. Beginning with the 2025-2026 school year, no later than the October MFP collection, each LEA shall identify each third grade student retained in the prior year pursuant to Subsection D of this Section and each fourth grade student promoted due to good cause exemption outlined in Subsection E of this Section, indicating the exemption applied. The LDOE will annually publish a report containing the compiled data.

F. Third Grade Retention. A student who is retained in third grade due to a reading deficiency shall be provided intensive evidence-based structured literacy instructional services, progress monitoring, and support as outlined in the individual reading improvement plan to include a daily minimum of ninety minutes of evidence-based, scientifically researched reading instruction during regular school hours and 30 minutes of daily evidence-based reading intervention in the identified area of reading deficiency.

1. Intervention and instruction shall be based upon the foundations of literacy and shall include phonological awareness, phonics, decoding, fluency, and comprehension.

2. Intervention and instruction may also include small group instruction, lower teacher-student ratios, tutoring, transition classes, or extended school calendar for day, week, or summer programs.

3. The student shall be assigned a teacher who has successfully completed training in literacy instruction and who is highly effective as determined by student performance data, particularly related to student growth in reading, and performance appraisals.

4. The parent or guardian shall be provided with written notification of the individual reading improvement plan, the protocol for progress monitoring, and instructions for parent guided at-home reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:24.9; R.S. 17:24.10 and R.S. 17:24.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), amended, LR 48:1760 (July 2022), LR 50:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 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, March 11, 2024, 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: Third Grade Students with a Reading
Deficiency**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are anticipated yet indeterminable impacts to expenditures of state and local governmental units due to the proposed rule change. The proposed change implements policy regarding promotion or retention of certain students with reading deficiencies that have not been remediated by the end of third grade. In compliance with Act 422 of the 2023 Regular Session, a student must score above the lowest achievement level on the literacy screener and may be given three attempts prior to the subsequent academic year. Such a student will be screened for dyslexia and may be promoted under certain stipulations.

Total state costs are indeterminable; however, the program requires an additional year of instruction for all students retained. Due to the delays in the RFP process, the end-of-year reading assessment required by R.S. 17:24.9 was implemented at the start of the current school year. The Louisiana Department of Education (LDOE) reports 34% of current second graders, who will be the first group impacted by the retention law/policy, scored "Well Below" on the beginning of year screener. Given the criteria for good-cause exemptions, and the number of attempts permitted, estimates for the number of students who would be retained and funded via the Minimum Foundation Program for an additional year of study in a given year are unascertainable.

Local education agencies may experience indeterminable cost increases associated with lower student-teacher ratios and the provision of interventions as a result of the proposed rule change. Act 422 of the 2023 RS requires no specific action by the Louisiana Department of Education (LDOE); however, the department is offering support with innovative scheduling to help schools work within time and staffing constraints. Initially, the department reported that beginning in FY 24 they would require \$106,916 to create one (1) Education Program Consultant 3 position to support systems and leaders in the implementation of supports for students reading below grade level. The FY 24 budget did not include an appropriation for this purpose and the department reports this assistance will now be provided by existing staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated cost and/or economic benefits to directly affected persons, small business, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1922—Compliance Monitoring Procedures
Special Education Corrective Action Plans
(LAC 28:XCI.107)

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:XCI in Bulletin 1922—*Compliance Monitoring Procedures*. The proposed revisions facilitate the process by which the LDOE may approve, when necessary, a special consultant to collaborate with a Local Education Agency (LEA) for development and implementation of an intensive corrective action plan.

**TITLE 28
EDUCATION**

**Part XCI. Bulletin 1922—Compliance Monitoring
Procedures**

Chapter 1. Overview

§107. Corrective Action and Sanctions

A. - F.3. ...

4. The LDOE may determine that a special consultant or management team is necessary to assist the LEA in addressing areas of non-compliance. The LDOE will select a special consultant or management team to collaborate with the LEA in developing and implementing an intensive corrective action plan. The special consultant and the ICAP activities will be funded at the local level.

5. - 5.d....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006), LR 37:3216 (November 2011), LR 43:517 (March 2017), LR 50:

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 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, March 11, 2024, 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: Special Education Corrective Action Plans

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change facilitates the process by which the Louisiana Department of Education (LDOE) may approve, when necessary, a special consultant to collaborate with a Local Education Agency (LEA) for development and implementation of an intensive corrective action plan.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Dyslexia Screening
(LAC 28:CXV.1123) and (LAC 28:XXXV.109)

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:XXXV in Bulletin 1903—*Louisiana Handbook for Students with Dyslexia*. The proposed revisions establish policy in response to Act 266 of the 2023 Regular Legislative Session, which requires school systems to screen all kindergarten students for dyslexia and students in other grades upon request, reporting related data to the Louisiana Department of Education (LDOE).

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1123. Educational Screening and Evaluation

A. - G. ...

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, to determine whether a student is at risk for dyslexia.

1. If the results of such screening indicate that a student is at risk for dyslexia, the parent or guardian shall be notified of the results of the screening within thirty days.

2. Each public school governing authority shall annually submit a report to the LDOE by December fifteenth that shall include:

a. the number of students at each grade level who are identified as having dyslexia.

b. For students with a Section 504 Plan identified as having dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

c. For students with an IEP identified as having a specific learning disability - dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11) and R.S. 17:392.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 39:2208 (August 2013), LR 50:

Title 28

EDUCATION

Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§109. Screening Requirements

A. - F. ...

G. A third grade student who does not score above the lowest achievement level on the literacy screener after three attempts and who is promoted to fourth grade for good cause in accordance with LAC 28:XXXIX.701. (*Bulletin 1566*) shall be screened for dyslexia.

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, in accordance with LAC 28: CXV.1123. (*Bulletin 741*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:

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 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, March 11, 2024, 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: **Dyslexia Screening**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No costs are anticipated for local governmental units as a result of the proposed rule revision. School personnel will need to administer the dyslexia screener, which could result in an indeterminable increase in time spent by school-level evaluators. The screener is to be provided by the Louisiana Department of Education (LDOE) at no cost to school systems.

The fiscal note for Act 266 of the 2023 Regular Session, which enacted this requirement, estimated the total cost to implement a dyslexia screener to be \$120,000 in FY 24 and, at a minimum, \$355,000 beginning in FY 25. These estimates were based on information provided by LDOE regarding the costs of the screener (\$1.30 per student at the 10/01/22 kindergarten student count of 56,581), the costs of training courses for teachers administering the screener (\$85,900), and the costs of support materials for the chosen screener (\$75,905). Additional projected expenditures included those associated with the hiring of an additional Education Program Consultant 3 (EPC 3) to manage communications, implementation, training coordination, and reporting requirements associated with the dyslexia screening program (\$72,000 salary, \$32,404.50 related benefits, \$15,089 operating expenses) beginning in FY 24.

The department has lowered expenditure estimates as implementation of the dyslexia screening program has moved forward. LDOE has determined the hiring of an additional EPC 3 is no longer necessary. Additionally, after discussions with the screener provider, the total cost for training, inclusive of any necessary support materials, is significantly lower than estimated. For the first two-year period, training will be between \$14,500 and \$18,000, dependent on the specific training program selected. The training program can then be renewed for an additional two-year period at a cost of \$2 per teacher. Taking into account the most recent kindergarten student count (48,798 as of 10/01/23) along with these changes, the new estimated minimum cost to implement the dyslexia screener in FY 25 is \$77,900. Total costs may be higher depending on the number of non-kindergarten students for whom screening is requested and the number of non-kindergarten teachers who need training.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Honorary Diplomas
(LAC 28:I.1501)

In accordance with the provision of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:I. in *BESE/8g Operations*. The proposed revision is in response to House Resolution 256 of the 2023 Regular Legislative Session that requested BESE, in collaboration with the Louisiana Department of Education (LDOE), to develop policy related to the issuance of posthumous high school diplomas to deceased high school students.

TITLE 28

EDUCATION

Part I. BESE/8(g) Operations

Chapter 15. Honors and/or Special Recognitions

§1501. Honorary Diplomas

A. - A.4. ...

B. Beginning with the 2023-2024 school year, all secondary public schools may posthumously issue honorary diplomas to deceased students who passed away while enrolled in a current high school cohort. On behalf of the student, the parent or legal guardian of the deceased student shall request the posthumous diploma from the Local Education Agency (LEA) during the school year in which the student cohort is scheduled to graduate.

1. For purposes of this Section, a *cohort* is defined as all students who entered ninth grade for the first time in the state of Louisiana in a given academic year.

2. The student must have been enrolled and in good standing with the school at the time of the student's death.

3. The deceased student must not have been convicted of a felony before the student's death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1273 (July 2015), amended LR 50:

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 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, March 11, 2024, 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: Honorary Diplomas

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change is in response to House Resolution 256 of the 2023 Regular Legislative Session requesting that BESE, in collaboration with the Louisiana Department of Education (LDOE), develop a policy relative to the issuance of posthumous high school diplomas to deceased high school students.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Education Educational Television Authority

Conducting Open Meetings via Electronic Means
(LAC 4:XXIII.Chapter 9)

Notice is hereby given that the Louisiana Educational Television Authority (LETA), in accordance with R.S. 49:950 et seq., and through the authority granted in R.S.

17:2504(A), 2505(3), 42:14, R.S. 42:17.2, and R.S. 42:17.2.1, proposes to promulgate regulations relative to open meetings being conducted by electronic means and relative to accessibility for individuals with Americans with Disabilities Act (ADA) disabilities. Act 393 of the 2023 Regular Legislative Session, allows certain public bodies to conduct open meetings electronically, requires access to open meetings for members of the body and the public having ADA disabilities and their caregivers. For state agencies, the Act requires the promulgations of administrative rules to effectuate such provisions. LETA qualifies as such a body and hereby proposes to promulgate LAC 4:XXIII.Chapter 9 to establish a uniform methodology for participation in meetings via electronic means.

Title 4

ADMINISTRATION

Part XXIII. ADA Accessibility

Chapter 1. Educational Television Authority

§101. Agency Eligibility

A. The Louisiana Educational Television Authority meets the below criteria pursuant to Act 393 of the 2023 Regular Legislative Session to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;
2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;
3. conducts at least six regularly scheduled meetings in a calendar year; and
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:2504(A), R.S. 17:2505(3), R.S. 42:14, R.S. 42:17.2, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Educational Television Authority, LR 50:

§103. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the Louisiana Educational Television Authority shall post the following on the agency's website at www.lpb.org:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:2504(A), R.S. 17:2505(3), R.S. 42:14, R.S. 42:17.2, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Educational Television Authority, LR 50:

§105. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, the Louisiana Educational Television Authority shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. The Louisiana Educational Television Authority shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website at www.lpb.org on an annual basis, however, such schedule is subject to change at the chair's discretion.

D. All members of the Louisiana Educational Television Authority, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at www.lpb.org.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:2504(A), R.S. 17:2505(3), R.S. 42:14, R.S. 42:17.2, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Educational Television Authority, LR 50:

§107. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the Louisiana Educational Television Authority is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Louisiana Educational Television Authority shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

E. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:2504(A), R.S. 17:2505(3), R.S. 42:14, R.S. 42:17.2, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Educational Television Authority, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments, data, views, or arguments regarding the proposed Rule. Such information must be received no later than Thursday February 29th, 2024 at COB, 4:30 PM, and should be addressed to Matt Tessier, Deputy Director, Louisiana Educational Television Authority, 7733 Perkins Road, Baton Rouge, La., 70810 or mtessier@lpb.org. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Clarence Copeland
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Conducting Open Meetings via Electronic Means**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any costs or savings to state or local governmental units. The proposed rule change, mandated by Act 393 of the 2023 Regular Legislative Session requires the Louisiana Educational Television Authority (LETA) to accommodate individual participation in its meetings via electronic means by members of the public with a disability recognized by the Americans with Disabilities Act (ADA), designated caregivers of such persons, and participant board members with an ADA-qualifying disability, who request accommodation; allows LETA to conduct a certain number of its meetings via electronic means, subject to certain restrictions; and sets forth the required criteria and procedures for electronic participation in open meetings. All of these functions will be handled by existing staff using technology already owned by LETA and will not cause any increase in expenditures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no anticipated economic impact to directly affected persons, small businesses, or nongovernmental groups, other than to allow more flexibility

and access to open meetings than they may currently possess, which could result in an indeterminate savings in travel costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Clarence Copeland
Executive Director
2402#012

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Energy and Natural Resources Office of Conservation

Class VI Injection Well—Fee Schedule (LAC 43:XVII.Chapter 38)

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, notice is hereby given that the Department of Energy and Natural Resources, Office of Conservation proposes to adopt Statewide Order No. 29-N-7 (LAC 43:XVII.Subpart 8, Chapter 38), to facilitate the permit review of Class VI injection well applications, which are used to injection carbon dioxide for the purposes of geologic sequestration.

The Department of Energy and Natural Resources, Office of Conservation proposes to adopt provisions governing the oversight of the Class VI carbon sequestration application fee standards within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class for wells that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program received primary enforcement authority (primacy) from the United States Environmental Protection Agency on February 5, 2024, modifying the UIC Program oversight to include Class VI wells in addition to current oversight authority for Class I, II, III, IV, and V wells. Promulgation of Statewide Order No. 29-N-7 is required in order to collect standardized application fees for this new program.

Title 43

NATURAL RESOURCES

Part XVII. Office of Conservation—Injection and Mining

Subpart 8. Statewide Order No. 29-N-7

Chapter 38. Class VI Injection Well Supplemental Rules—Fee Schedule

§3801. Definitions

Application Fee—the fee charged to an applicant for review of a Class VI permit application that is not in excess of the total, actual cost of review to the Office of Conservation.

Escrow Account—an account held by the Office of Conservation in favor of a Class VI applicant from which funds are drawn in order to provide for the review of a Class VI permit application.

Expedited Permit Review—an Office of Conservation program administered pursuant to LAC 43:XIX.4701 et seq.

(Statewide Order No. 29-B, Chapter 47), which provides for the expedited review of permits.

Filing Fee—an initial fee to be paid upon submission of a Class VI permit application from which funds will be drawn to cover the cost of permit application review.

Operator—the person recognized as being responsible to the Office of Conservation for the well, site, facility, or activity subject to regulatory authority under these rules and regulations. The operator can, but need not be, the owner of the well, site, or facility.

Periodic Area of Review Update—a submission which includes a re-evaluation of the area of review submitted in accordance with LAC 43.XVII.3615.C.

Qualified Third-Party Reviewer—a party determined by the State of Louisiana to meet applicable procurement criteria in order to be contracted by the commissioner to assist Office of Conservation employees with Class VI permit application reviews.

Residual Escrow Funds—any remaining funds on deposit with the Office of Conservation in favor of an applicant or permittee after a final decision on a Class VI permit application is rendered by the commissioner and all qualified expenses have been deducted from the account.

Storage Facility—the reservoir, underground equipment, and surface facilities used or proposed to be used in a geological sequestration operation, excluding pipelines used to transport carbon dioxide to a storage facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:

§3803. General Provisions

A. Applicability

1. This Chapter establishes the regulatory framework for permit application review fees associated with Class VI geologic sequestration facilities and wells. Timing, commencement of review, and allocation of resources for any Class VI permit application review is an exercise of the commissioner's discretion and is subject to, but not limited by, the availability of resources, the scale of the project, the quality of the application submittal, and the complexity of the review required in order to evaluate the permit application.

2. Permit applications reviewed under these rules shall meet all statutory and regulatory requirements, including those requirements related to public notice and participation processes.

B. Eligibility

1. The fees specified in this Chapter shall apply to any permit application for a new Class VI geologic sequestration facility or well and for any review pursuant to LAC 43:XVII.Chapter 36 or R.S. 30:1101 et seq.

2. The fees of this Chapter are established pursuant to R.S. 30:1101 et seq. and are not applicable to enhanced oil recovery projects, except for those which transition into Class VI geologic sequestration projects.

C. Expedited Permitting

1. Expedited permitting pursuant to LAC 43:XIX.4701 et seq. by Office of Conservation staff is separate from the reviews pursuant to this Chapter.

D. Qualified Third-Party Review

1. Pursuant to R.S. 30:1110(E), the commissioner may contract for outside professional services to assist with Class VI permit application reviews.

2. The cost of the Qualified Third-Party ("QTP") review will be drawn from the filing fee.

a. If the cost of the QTP review exceeds the filing fee, the Office of Conservation may require additional funds from the applicant in order to proceed further with the permit application review.

b. An applicant may request a QTP review of any of its pending Class VI permit applications at any time before commencement of the technical review of such permit application.

c. The Commissioner of Conservation may require a QTP review of any Class VI permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:

§3805. Application Filing Fees

A. Fee Amounts

1. For the permit application of an initial Class VI well and storage facility, the filing fee shall be not more than \$100,000 (the "base filing fee").

a. For each additional Class VI well proposed in a storage facility, an additional \$10,000 shall be added to the base filing fee.

b. The filing fee shall not exceed \$200,000 for any single storage facility.

2. For the periodic area of review update, conducted in accordance with LAC 43:XVII.3615.C, the filing fee shall be \$25,000.

3. For all Class VI permit applications, additional funds not to exceed the total, actual cost of review may be required to be paid by the applicant pursuant to La R.S. 30:1110.C(3).

B. Fee Basis

1. The total, actual cost of any Class VI permit application review shall include all those costs associated with reviews by Office of Conservation employees or other public employees, including, but not limited to, salaries and related benefits, equipment costs, and travel expenses. If the applicant has requested or the commissioner has required a QTP review, all costs associated with the QTP review will also be drawn from the filing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:

§3811. Failure to Pay

A. Operators who have violated any requirement of this Chapter may be liable for a civil penalty or liable for appropriate relief granted in a civil action pursuant to R.S. 30:1106.

B. The operator must comply with all requirements of this Chapter. Any noncompliance may result in enforcement action or permit termination, revocation and reissuance, or modification or in suspension of a permit application review or denial of a permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on 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. household income, assets, and financial security;
- 2. early childhood development and preschool through postsecondary education development;
- 3. employment and workforce development;
- 4. taxes and tax credits; or
- 5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small businesses, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by House Concurrent Resolution 170 of 2014 Regular Session of the Louisiana Legislature. 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 to Stephen H. Lee, Director of the Injection and Mining

Division, Office of Conservation, Louisiana Department of Energy and Natural Resources, P.O. Box 94275, Baton Rouge, LA 70804-9275. Written comments will be accepted through the close of business, 5:00 p.m. on March 22, 2024.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Class VI Injection Well Fee Schedule

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in costs or savings to state or local governmental units. This proposed rule supports the new Class VI carbon sequestration well program, for which the Louisiana Office of Conservation - Injection and Mining Division received primary enforcement authority (primacy) on February 5, 2024. This proposed rule describes the application fees for a Class VI permit application, as enabled by R.S. 30:1110.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase revenue collections for the Office of Conservation. The fees contained in the proposed rule change include an application filing fee and periodic area of review filing fee. The application filing fee is set at a base of \$100,000 plus \$10,000 for each additional well at a storage facility but cannot exceed \$200,000 for the initial filing fee. The periodic area of review filing fee is set at \$25,000, but will not be collected until up to five years after a facility begins injection.

Based on 19 sites that will be beginning operations in FY 24, the estimated revenue collections for the Office of Conservation during the first state fiscal year of the program are \$2,260,000, with total anticipated revenue of almost \$4,000,000 over the first three state fiscal years of the program.

The proposed rule change is not anticipated to have an impact on revenues of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This fee rule supports the new Class VI carbon sequestration well program, for which the Louisiana Office of Conservation - Injection and Mining Division will receive primacy on February 5, 2024. Implementation costs to operators submitting applications are expected to range between \$100,000 - \$200,000 per applicant, per facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Construction of new Class VI carbon sequestration facilities and injection wells is predicted to positively impact the industrial construction sector. Since only three of these facilities currently exist in the United States, there is limited data on the economic impacts on competition and employment. It is likely that available construction jobs will increase in order to build pipeline infrastructure and the injection facilities, but quantifiable predictions are not available at this time.

Monique Edwards
Commissioner
2402#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Behavior Analyst Board

Behavior Analysts (LAC 46:VIII.Chapter 2)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Behavior Analyst Board intends to adopt Chapter 2 Behavior Analysis.

The purpose of the proposed Rule governs procedures and requirements to provide applied behavior analysis services.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VIII. Behavior Analysts

Chapter 2. Behavior Analysis

§201. Purpose and Scope

A. The sections of this Chapter govern the procedures and requirements for application and delivery of applied behavior analysis in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§202. Professional Standards

A. A licensed behavior analyst is authorized to engage in the practice of applied behavioral analysis as set forth in the Practice Act and in accordance with the board's rules. A licensed behavior analyst and/or a state certified assistant behavior analyst possess property rights. A registered line technician does not possess property rights and is therefore not entitled to due process under the Administrative Procedure Act.

B. Behavior analysis excludes psychological testing, neuropsychology, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and mental health counseling or academic teaching by college or university staff.

C. It is prohibited for an individual to hold themselves out as a licensed behavior analyst, a state certified assistant behavior analyst, or a registered line technician unless licensed, state certified, or registered in accordance with the statutes.

D. Licensed behavior analyst and anyone under their supervision shall conduct their activities in conformity with the ethical and professional standards found in Chapter 10.

E. A licensed behavior analyst will supervise all state certified assistant behavior analysts and registered line technicians in conformity with the supervision requirements found in Chapter 5.

F. The following persons and practices are not prohibited or restricted from engaging in the practice of applied behavior analysis:

1. an individual licensed to practice psychology within the state, provided the applied behavior analysis services are within the licensed psychologist's education, training and expertise. An individual properly registered and supervised as an assistant to a psychologist in accordance with the Louisiana Administrative Code, Title 46, Part LXIII, Chapter 11. Licensed psychologists and those practicing under their extended authority are prohibited from

representing themselves as behavior analysts, licensed behavior analysts, assistant behavior analysts, or state certified assistant behavior analysts without being duly licensed or state certified;

2. other human service professionals who are licensed, certified, or registered by the state of Louisiana, provided such individuals are working within the scope of practice of their profession and the scope of their training and competence;

3. a family member or guardian of a recipient of applied behavior analysis services who implements certain applied behavior analysis procedures with the recipient under the extended authority and direction of a licensee or supervised certified assistant. This individual shall not represent themselves as a behavior analyst;

4. an individual who practices with nonhumans, including applied animal behaviorists and animal trainers;

5. an individual who provides general applied behavior analysis services to an organization, provided those services are not for the benefit of such organization and the services do not involve direct services to individual;

6. a matriculated college or university student, intern, or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, intensive practicum, or supervised independent fieldwork. Such practice under this exemption requires the direct supervision by a licensed behavior analyst in this state or an instructor in an approved course sequence approved by the board. A student, intern, or postdoctoral fellow shall not represent himself as a behavior analyst and shall use a title that clearly indicates his training status, such as "behavior analysis student", "behavior analysis intern", "behavior analysis trainee", or other title clearly indicating such training status;

7. an individual who teaches behavior analysis or conducts behavior analytic research, provided that such teaching or research shall not involve the delivery of direct behavior analytic services. Such individual may use the title "behavior analyst" but may not represent himself as a licensed behavior analyst or a state certified assistant behavior analyst unless he holds one of those credentials issued by the board;

8. an unlicensed individual pursuing experiential training in behavior analysis consistent with the licensure requirements and standards as required by the board, provided such experience is supervised by a licensed behavior analyst.

G. A licensed behavior analyst is ultimately responsible and accountable for client care and outcomes under their clinical supervision.

H. A licensed behavior analyst shall exercise sound professional judgment based upon his knowledge, skill, education, training, and experience, and shall perform only those services for which he is competent. If, during evaluation, reassessment or screening, the licensed behavior analyst finds that treatment which is outside the scope of his knowledge, experience, or expertise is needed, the licensed behavior analyst shall notify the client and provide a referral to an appropriate healthcare provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§203. Professional Responsibilities

A. Licensed Behavior Analyst and/or State Certified Assistant Behavior Analyst must notify the board in writing of any change in their preferred mailing address, telephone number or email address within 30 days that such change takes effect.

B. A licensee shall ensure proper completion and timely submission of all applications, transfers, renewals, and/or discontinuations for their supervisees. Signatures must be originals or electronically verified time stamped.

C. A licensee and/or certificant must comply with all self-reporting requirements as outlined in the ethics code adopted by the board.

D. As a mandatory reporter, anyone licensed, certified, or registered by this board is required by law to report suspected or known instances of abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§204. Telehealth Standards

A. This Chapter provides for, promotes, and regulates the use of telehealth. Further, it defines and establishes the minimum standards for the delivery of applied behavior analysis services when implementing or utilizing telehealth services. The standard of care for telehealth services shall be substantially equivalent to the standard of care for services delivered in person.

B. Applied behavior analysis services delivered through telehealth between a licensee and client, separated by distance, must include synchronous video and audio transmission, delivered in real-time. Licensee shall only use technology assisted media that is in compliance with HIPAA and Hi-tech standards. The use of asynchronous modalities (email, chatting, texting, and fax) is not appropriate for telehealth, except in a crisis to ensure the client’s safety and stability.

C. Licensees who provide telehealth must be licensed in Louisiana and must also be licensed in the state where the client is located, if licensing is required.

D. At the onset of telehealth, the licensee shall obtain written informed consent of the client/guardian and shall document such consent in the client’s record. Electronic signatures (time stamped) may be used in the documentation of informed consent. Provisions of informed consent shall include:

1. mode of technology-assisted media being utilized and plans for technical failure;
2. scheduling and structure of telehealth services;
3. risks of telehealth;
4. privacy and limits of confidentiality;
5. contact between sessions;
6. emergency plan;
7. consultation and coordination of care with other professionals;
8. referrals and termination of services;
9. information and record keeping;
10. billing and third-party payors;
11. ethical and legal rights, responsibilities, and limitations within and across state lines.

E. At the onset of each session, the licensee shall verify and document the identity and location of the licensee and

the client; and verify the identity of the parent or guardian consenting to the minor’s treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

Family Impact Statement

The Behavior Analyst Board hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to procedures and requirements to provide applied behavior analysis services is being implemented to guarantee the licensing authority can safeguard the public welfare of this state and will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or 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 creates a new rule, LAC 46:VIII. Chapter 1. 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.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by 12 p.m. on March 11, 2024.

Rhonda Boe
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Behavior Analysts**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$600 in FY 24 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule is not anticipated to result in implementation costs or savings to state

or local governmental units. This cost will be paid from self-generated funds.

The proposed rule governs the procedures and requirements for application and delivery of applied behavior analysis. Although behavior analysts are currently able to practice telehealth, the proposed rule also provide for, promote for, and regulate the use of telehealth.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have any 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 may benefit providers and recipients of behavior analysis services to the extent that adoption of the proposed rule leads to increased adoption of telehealth. This may provide recipients of these services with a wider choice of providers and may provide increased income to behavior analysts

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent that the proposed rule leads to increased adoption of telehealth practices among behavior analysts, the proposed rule may increase competition amongst providers of behavior analysis services by allowing recipients to receive services via telehealth, which may provide these recipients with a greater choice of service providers.

Rhonda Boe
Executive Director
2402#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Behavior Analyst Board**

**Board Composition, Meeting Procedures, and
ADA Accommodations (LAC 46:VIII.Chapter 1)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Behavior Analyst Board proposes to adopt Chapter 1. Board.

The purpose of this proposed Rule is to outline board composition, meeting procedures, and ADA accommodations for board meetings.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part VIII. Behavior Analysts

Chapter 1. Board

§101. Overview

A. The sections of this Chapter outline board composition, meetings, procedures, and ADA accommodations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§102. Board Composition

A. The board shall be comprised of seven members to include six behavior analysts and one consumer member. Elections will occur when the professional behavior analysts board seats become vacant in accordance with policies and

procedures and the MOU between the board and the professional association. The governor shall then appoint members from a list of the nominees submitted by the professional association. The consumer member shall possess the qualifications found in R.S. 37:3703 and submit an application to the governor.

B. Each member shall be appointed for a term of four years. No member of the board shall serve more than two consecutive complete terms on the board.

C. Board members shall continue to serve, even if their term has expired, until the governor appoints their replacement.

D. The board shall elect annually from its membership a chair and vice-chair.

E. Members of the board shall serve without compensation but shall be reimbursed for reasonable travel expenses incurred in attendance at meetings and other official business of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§103. Board Meetings

A. The board shall meet at least quarterly. The board shall meet at the call of the chair or at the request of at least three members. Meeting dates are to be posted on the board's website when scheduled.

B. The board shall provide written public notice of any regular, special, or re-scheduled meeting no later than 24 hours before the meeting. Notice shall include the agenda, date, time, and place of meeting. Notice shall be published on the board website and the Boards and Commission website.

C. All board meetings and hearings shall be open to the public. In accordance with R.S. 42:16-17, the board may conduct any portion of its meeting in executive session, closed to the public and may request the participation in such executive session of staff members and others as may be needed for the business at hand.

D. A majority of the board shall constitute a quorum for the transaction of all business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§104. Board Procedures

A. Board members are expected to attend regularly scheduled meetings, special meetings, open forums and hearings. Attendance constitutes active participation in at least 80 percent of the entire meeting. Missing two meetings per year is generally acceptable; however, exceptions may be granted for good cause. Notification of an expected absence shall be submitted to the board office as early as possible.

B. The board shall keep written minutes of all open meetings. The minutes shall include the date, time, and place of the meeting; the members of the public body recorded as either present or absent; the substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16 and R.S. 42:17.

C. A scheduled time for public comments on agenda items shall be held during each board meeting. Each person making public comments shall announce their identity and the group, organization, company, or entity represented, if any. The chair shall allot the time available to all who wish to comment to ensure an opportunity is afforded to all who desire to comment.

D. Board members will be appointed as chair or member of committees to assist in carrying out specific board functions.

E. The board shall operate on self-generated funds to maintain effective and efficient operations.

F. The board shall annually adopt a budget and comply with all state audit guidelines.

G. The board shall appoint an executive director to carry out the administrative work of the board and shall designate the duties and responsibilities for that position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§105. ADA Accommodations

A. Any member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person who would like to submit a request to participate in the Open Meeting portions of this board meeting is encouraged to contact the board office to discuss viable alternative methods at least three days prior to the meeting. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

B. Viable alternative method to be utilized will be teleconference. If additional accommodations are required, such as a translator, the board will make every attempt to meet the requestor's needs utilizing resources available. If in the future the board has access to reliable internet technology in their meeting room, the board will include participation by video as a method.

C. The written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted and shall be posted at least three days prior to the meeting date.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

E. A board member who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means and shall be counted in the quorum. This does not include electronic participation in any disciplinary hearings and/or adjudications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

Family Impact Statement

The Behavior Analyst Board hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule and adoption of the Rule will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or 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 and adoption of the 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.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by 12 p.m. on March 11, 2024.

Rhonda Boe
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Board Composition, Meeting Procedures, and ADA Accommodations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$600 in FY 24 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule is not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

The rule outlines board composition, meetings, procedures and Americans Disability Act (ADA) accommodations,

including electronic participation pursuant to Act 393 of the 2023 Regular Legislative Session. The board indicates that it is able to provide such participation via teleconference.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have any 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 rule is not estimated to have any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment from the proposed rule.

Rhonda Boe
Executive Director
2402#020

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Dentistry**

**Continuing Education Requirements
(LAC 46:XXXIII.313)**

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), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.313.

The Board of Dentistry is amending LAC 46:XXXIII.313 to remove unnecessary language and remove the requirement that a lead apron be worn when taking digital radiographs.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

§313. Portable and Mobile Dentistry

A. - C.3. ...

4. All mobile or portable operations must conform to all existing and applicable Dental Practice Act rules and regulations, federal, state, and local laws, regulations, and ordinances including those relative to radiographic equipment, flammability, construction, sanitation, zoning, OSHA regulations, and applicable Federal Centers for Disease Control Guidelines and Prevention, Louisiana Department of Health and Hospital regulations including those for medical waste transportation, and the applicant possesses any applicable parish and city licenses or permits to operate the unit.

5. Each mobile dental clinic or mobile dental unit shall have:

- a. ready access to a ramp or lift if necessary;
- b. a properly functioning sterilization system;
- c. ready access to an adequate supply of potable water;
- d. ready access to toilet facilities if necessary;

e. a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;

f. an emergency kit available at all times;

g. portable oxygen available at all times;

h. medical waste disposal consistent with CDC guidelines;

i. properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;

j. suction equipment to maintain the current prevailing standard of care.

6. Each *portable dental clinic* shall have:

a. ready access to an adequate supply of potable water;

b. a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;

c. an emergency kit available at all times;

d. portable oxygen available at all times;

e. medical waste disposal consistent with CDC guidelines;

f. a properly functioning sterilization system;

g. properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;

h. suction equipment to achieve a minimum level of three cubic feet per minute.

7. The *mobile dental clinic*, mobile dental unit, or portable dental clinic shall be inspected in a timely fashion by a dental board member or a staff evaluator prior to receiving approval to operate.

8. During operations the mobile dental clinic, mobile dental unit, or portable dental clinic shall prominently display all applicable licenses and permits in compliance with §104 of these rules. These documents may be kept in a notebook labeled Licenses and Permits. Copies of licenses and permits are acceptable.

9. Transferability. Neither the mobile or portable permits are transferable.

10. Renewal. Mobile or portable permits expire at the same time as the operator's dental license but shall be renewed at the time the operator renews his or her dental license by completing the renewal form and paying all applicable fees.

D. Record Keeping. The operator or operation shall maintain an official business or mailing and actual, physical address of record which shall not be a post office box except where mail is deliverable to a post office box only and a 24 hour emergency telephone number which shall be filed with the board. The dental board shall be notified within 30 days of any change in the address of record. All written or printed, or electronic documents available from or issued by the operator or operation shall contain the official address of record of the operator or operation. When not in transit, all dental and official records, printed or electronic shall be maintained or available at the official office address of record, in conformity with all record-keeping requirements.

E. - E.8. ...

9. When analogue radiographs are to be made by the operator or operation, a lead apron which includes a thyroid collar shall be utilized and adequate protection for the x-ray technician shall be utilized. The lead apron is not necessary when the radiographs are digital.

F. - G.1. ...

2. a statement that a parent or guardian may attend all dental visits and the form provides a telephone number and address where the parent or guardian can contact the operator's office if they wish to be at the school, facility or site when the minor is being treated. If the parent or guardian contacts the operator's office requesting to be present at the dental visit when their child is being treated, then the operator shall notify the parent or guardian when dental care is to be rendered so the parent or guardian can be present. If the parent or guardian requests to be present, but does not appear at the site where the treatment is being provided no dental care shall be rendered to that patient;

G.3. - J.1. ...

2. The dental board shall be provided with a list of all sites, including addresses where the operator shall conduct mobile or portable activities, at the time the permit is applied for and it shall be updated as necessary every 30 days.

K. - L. ...

1. An administrative company shall not be permitted to perform any duties or services that are exclusively a Louisiana licensed dentist's responsibility under the Louisiana Dental Practice Act, including the following:

* * *

L.2. - M.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), and Act 429 of the Regular Legislative Session of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 36:2035 (September 2010), amended LR 37:1406 (May 2011), LR 42:59 (January 2016), LR 50:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. 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.

Provider Impact Statement

The proposed rulemaking should not have any know 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 requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect of 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 Comment

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, LA 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Continuing Education Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the one-time cost of rulemaking, which is \$500 SGR in FY 24 related to publishing the notice of intent and proposed rule in the LA Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units.

The proposed rule changes remove unnecessary language and remove the requirement that a lead apron be worn when taking digital radiographs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes 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)

The proposed rule changes will not have a substantial economic impact.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not have a substantial impact on competition or employment.

Arthur Hickham, Jr.
Executive Director
2402#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Emergency Response Network**

LERN Destination Protocol: Stroke
(LAC 48:I.19305)

Notice is hereby given that the Louisiana Emergency Response Network Board has exercised the provisions of

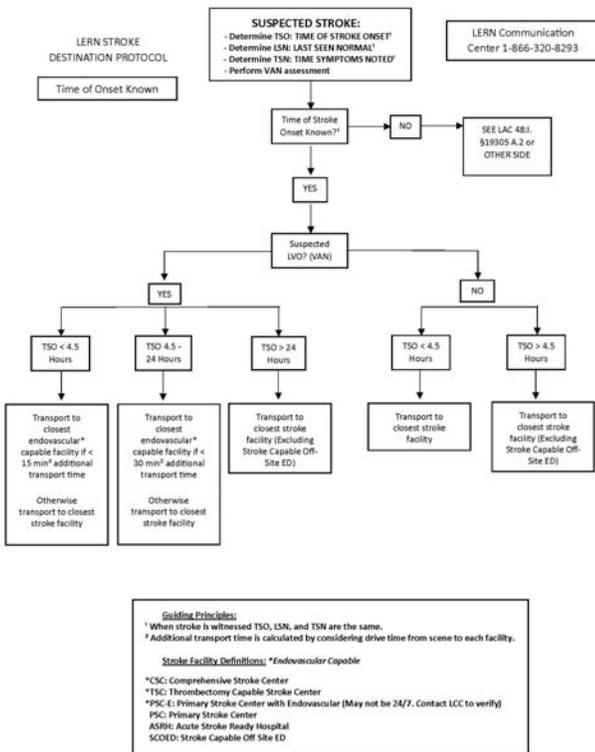
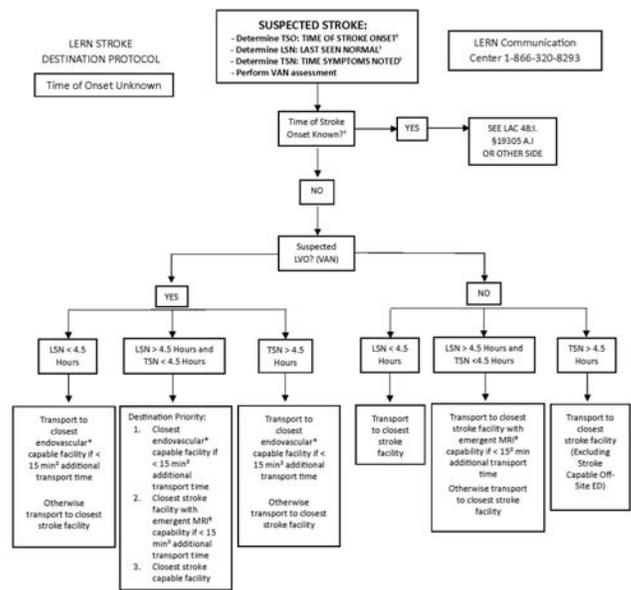
R.S. 49:950 et seq., the Administrative Procedure Act, and intends to enact LAC 48:I.Chapter 193, Stroke Protocols, Section 19305, Destination Protocol: Stroke, as approved by the Louisiana Emergency Response Network Board in a meeting of November 16, 2023, as authorized by R.S. 40:2846(A), R.S. 40:2845(A)(7) and R.S. 9:2798.5. The amendment clarifies the existing destination protocol for a stroke to include screening for wake-up stroke by emergency medical services (EMS) and the appropriate destination for those patients.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 15. Emergency Response Network
§19305. LERN Destination Protocol: Stroke

A. On November 17, 2023, to be effective January 1, 2024, the Louisiana Emergency Response Network Board [R,S, 40:2842(1) and (3)] adopted and promulgated “LERN Destination Protocol: Stroke”, amending and replacing the previous “LERN Destination Protocol: Stroke” adopted on April 21, 2017, and set out in Section 19303, as follows:

1. LERN Destination Protocol: Stroke for Known Time of Stroke Onset

2. LERN Destination Protocol: Stroke for Unknown Time of Stroke Onset



Guiding Principles:
¹ When stroke is witnessed TSO, LSN, and TSN are the same.
² Additional transport time is calculated by considering drive time from scene to each facility.
³ MRI 24/7 with tech call schedule for off hours and weekends.

Stroke Facility Definitions: *Endovascular Capable
 *CSC: Comprehensive Stroke Center
 *TSC: Thrombectomy Capable Stroke Center
 *PSC-E: Primary Stroke Center with Endovascular (May not be 24/7. Contact LCC to verify)
 PSC: Primary Stroke Center
 ASRH: Acute Stroke Ready Hospital
 SCOD: Stroke Capable Off Site ED

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:21798.5 and R.S. 40:2846(A).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 50:

Family Impact Statement

1. What effect will this rule have on the stability of the family? The proposed rules will not affect the stability of the family.
2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed rules will not affect the authority and rights of persons regarding the education and supervision of their children.
3. What effect will this have on the functioning of the family? The rules will not affect the functioning of the family.
4. What effect will this have on family earnings and family budget? These rules will not affect the family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? These rules will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the proposed rules will have no impact.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Statement

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. 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 business.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of these proposed Rules have 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, and no increase on direct or indirect cost. The proposed Rule 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 relative to the proposed Rule until 4:30 p.m., Monday, March 11, 2024 to Paige Hargrove, Louisiana Emergency Response Network, 7979 Independence Blvd, Suite 207, Baton Rouge, LA 70806, or via email to paige.hargrove@la.gov.

Paige Hargrove
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: LERN Destination Protocol: Stroke

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule amends LAC Title 48, Part I, Chapter 193—Stroke, Section 19303 and will now be identified as Section 19305. The Louisiana Emergency Response Network (LERN) Board is authorized to adopt protocols for the transport of trauma and time sensitive ill patients. The proposed rule amends the existing "Stroke Destination Protocol" to include an evaluation process for ischemic strokes by emergency medical services (EMS), MRI testing post-arrival to designated hospital, and appropriate destination for those patients according to evaluation results.

Other than the cost to publish in the State Register, which is estimated to be \$450 in FY 24, it is not anticipated that the proposed rule will result in any costs or savings to LERN or any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collection of state or local governmental units as a result of this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Victims of stroke are directly affected by this proposed rule. The new screening protocol performed by EMS will result in stroke victims being routed to the most appropriate stroke center within a timely manner to receive appropriate treatment. The benefits to stroke victims are the chance to live a life without the severe stroke deficits – paralysis, immobility, nursing home confinement or death. The proposed rule does not preclude patient choice.

Any potential savings for insurers and patients would be based on directing the patient to the most appropriate level of care, which may result in more efficient and less costly outcomes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule amends the previously promulgated Stroke Destination Protocol. The stroke system is a voluntary system. This proposed rule does not restrict any hospital from pursuing stroke center certification or from attesting to meeting the LERN Board approved stroke requirements. Hospitals may seek to expand access to endovascular capability as a result of this proposed rule. The proposed rule will have no effect on employment.

Paige B. Hargrove
Executive Director
2402#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health

Licensed Professional Counselors Board of Examiners

Meeting via Electronic Means (LAC 46:LX.307)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend LAC 46: LX.307 pertaining to accessibility during its meetings. Act 393 of the 2023 regular session mandates that state agencies adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following Rule allows for access to open meetings held by the Licensed Professional Counselors Board of Examiners. This proposed Rule amendment will accommodate participation on an individual basis via electronic means by members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation.

The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 3, Section 307 in the February 20, 2024, edition of the *Louisiana Register*.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS REVISED

Part LX. Licensed Professional Counselors Board of
Examiners

Subpart 1. Licensed Professional Counselors
Chapter 3. Board Meetings, Procedures, Records,
Powers and Duties

§307. Meetings

- A. ...
- B. Open Meetings Via Electronic Means
1. Postings Prior to Meeting Via Electronic Means
 - a. At least 24 hours prior to the meeting, the following shall be posted on the board's website:
 - i. meeting notice and agenda; and
 - ii. detailed information regarding how members of the public may:
 - (a). participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - (b). submit written comments regarding matters on the agenda prior to the meeting.
 2. Electronic Meeting Requirements and Limitations
 - a. Any meeting conducted via electronic means shall be in compliance with requirements outlined in R.S. 42:17.2(C).
 - b. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the board's website.
 3. Disability Accommodations
 - a. People with disabilities are defined as any of the following:
 - i. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
 - ii. a designated caregiver of such a person; or
 - iii. a participant member of the agency with an ADA-qualifying disability.
 - b. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.
 - c. The requestor with an accommodation shall be provided the teleconference and/or video conference link for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.
 - d. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), 39:1782 (July 2013), LR 41:709 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on

family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change 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 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 to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by March 10, 2024, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Meeting via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$600 in FY 24 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

The rule changes outline the Louisiana Licensed Professional Counselors Board of Examiners procedures for meetings via electronic means and Americans with Disabilities Act (ADA) accommodations for public participation via electronic means pursuant to Act 393 of the 2023 Regular Legislative Session. The board indicates that it has the technology and equipment needed to implement the proposed rule changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have any 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 changes will help make meeting participation more accessible for members of the public or the board who have ADA-recognized disabilities. The proposed rule may result in travel savings to certain members of the public with disabilities as they can now participate in the meeting virtually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment from the proposed rule changes.

Jamie S. Doming
Executive Director
2402#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Internal Controls, Procedures (LAC 42:III.2714)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.2714, Internal Controls, Procedures. This rule change allows licensees and the casino operator to modernize their processes, either automated or computerized, while still complying with the requirements of gaming regulations for approval in its internal controls.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 27. Accounting Regulations

§2714. Internal Controls, Procedures

A. - B.23. ...

C. Licensees and casino operators may submit automated or computerized processes that satisfy the requirements contained in this Chapter, or accomplish the intent of the requirements contained in this Chapter, for approval in its internal controls. Approval of automated or computerized processes to replace or satisfy the requirements contained in this Chapter may be approved or rejected at the discretion of the division. The division shall explain any rejection and provide opportunity for the licensee or casino operator to amend the processes and resubmit for approval in accordance with the internal control review process.

D. The licensee or casino operator may not implement its initial internal controls unless the division determines the proposed internal controls satisfy this Section, and approves the internal controls in writing. In addition, the licensee and casino operator shall engage an independent CPA to review the proposed internal controls prior to implementation. The CPA shall forward two signed copies of the report reflecting the results of the evaluation of the proposed internal controls prior to implementation.

E. Once the division approves the internal controls, the licensee and casino operator shall comply with all provisions of the approved internal controls.

F. The licensee and casino operator shall have a continuing duty to review its internal controls to ensure the internal controls remain in compliance with the Act and these rules. The licensee and casino operator shall amend its internal controls to comply with the requirements with the Act and these rules.

G. Any change or amendment in procedure including any change or amendment in the internal controls previously approved by the division shall be submitted to the division for prior written approval in accordance with division policies on internal control changes.

H. If the division determines that internal controls do not comply with the requirements of this Section, the division shall so notify the licensee or casino operator in writing. After receiving the notification, the licensee or casino operator shall amend its internal controls to comply with the requirements of this Section.

I.1. Each licensee and casino operator shall require the independent CPA, engaged for purposes of examining the financial statements, to submit to the licensee and casino operator two signed copies of a written report detailing the continuing effectiveness and adequacy of the internal controls.

2. Using the division's standard Minimum Internal Control questionnaire and guidelines, the independent CPA shall report each event and procedure discovered by him, or otherwise brought to his attention, that does not satisfy the internal controls approved by the division.

3. Not later than 150 days after the end of the its fiscal year, the licensee or casino operator shall submit a signed copy of the CPA's report, the division's standard Minimum Internal Control questionnaire, and any other correspondence directly relating to the internal controls to the division accompanied by the licensee's or casino operator's statement addressing each item of noncompliance as noted by the CPA and describing corrective measures taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1632 (July 2012), amended LR 50:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:974.2-974.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

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 costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Venise Johnson, Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of March 11, 2024.

Ronnie S. Johns
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Internal Controls, Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule. The Board proposes to amend Chapter 27 (Accounting Regulations) of Part III (Gaming Control Board), Title 42 (Louisiana Gaming) of the Louisiana Administrative Code. Specifically, the proposed rule allows for licensees and casino operators to automate internal control processes and still be in compliance with gaming regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated 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 may result in a nominal workload decrease by allowing licensees and casino operators to

modernize their processes, through means of an automated or computerized process, while still complying with the requirements of gaming regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Ronnie S. Johns
Chairman
2402#027

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Open Meetings Accessibility; ADA
(LAC 42:III.Chapter 5)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with Act 393 of the 2023 Regular Legislative Session, R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to create LAC 42:III.Chapter 5. The Rule change allows for attendance of board meeting via electronic means and the accommodation and participation of persons with disabilities to attend board meetings.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 5. Open Meetings Accessibility; ADA

§501. Electronic Meetings

A. Pursuant to the provisions of R.S. 42:17.2, the Louisiana Gaming Control Board (“board”) may meet and conduct some meetings via electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 50:

§503. Postings Prior to Meeting via Electronic Means

A. At least twenty-four hours prior to the meeting, the board shall post the following on its website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:

a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

b. submit written public comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 50:

§505. Electronic Meeting Requirements

A. To the extent practicable, a schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency’s website on an annual basis or as available.

B. All members of the board, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

C. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 50:

§507. Disability Accommodations

A. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. c. a participant member of the agency with an ADA-qualifying disability.

B. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

C. The designated agency representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

D. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 50:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.

4. The effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:974.2-974.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

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 costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Venise Johnson, Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of March 11, 2024.

Ronnie S. Johns
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Internal Controls, Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule. The Louisiana Gaming Control Board ("Board") is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

The Board proposes to adopt Chapter 5 (Open Meetings Accessibility; ADA) of Part III, Title 42 (Louisiana Gaming) of the Louisiana Administrative Code. Specifically, the proposed rule establishes the framework for disability accommodations by:

- Allowing members of the public and participating members of the agency with an ADA-qualifying disability to request accommodations.
- Including contact information for the agency representative who is responsible for disability accommodations in the public notice for meetings.
- Providing a timeline to meet the requested disability accommodations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated 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)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Ronnie S. Johns
Chairman
2402#026

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Net Capital Gains Deduction (LAC 61:I.1312)

Under the authority of R.S. 47: 293.2 and 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to adopt LAC 61:I.1312 to effectively administer R.S. 47:293.2 relative to the net capital gains deduction.

Revised Statutes 47:293(9)(a)(xvii) and (10) provide an individual income tax deduction for net capital gains resulting from the sale or exchange of an equity interest in or substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in Louisiana.

Act 242 of the 2023 Regular Legislative Session (“Act 242”) requires the department to promulgate regulations relative to the net capital gains deduction and outlines minimum rule requirements. Act 242 provides that the regulations must contain: 1) documentation requirements applicable to taxpayers claiming the deduction; 2) a de minimis exception to documentation requirements for small transaction eligible for the deduction; 3) restrictions on eligibility for transactions where the majority of the physical assets are located outside of Louisiana; and 4) restrictions on eligibility for transactions between related parties. The primary purpose of this proposed Rule is to conform to these regulation requirements.

This Rule is written in plain language with a readability score of 11.11.

Title 61

REVENUE AND TAXATION

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

Chapter 13. Income: Individual

§1312. Net Capital Gains Deduction

A. General. R.S. 47:293(9)(a)(xvii) and (10) provide a deduction for resident individuals and nonresident individuals (“taxpayers”), respectively, for net capital gains resulting from the sale or exchange of an equity interest in, or from the sale or exchange of substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization (“business”) commercially domiciled in Louisiana.

B. Definitions

Capital Gains from the Sale or Exchange of the Assets of a Business—capital gains from sales and exchanges that are reported on Federal Form 4797—Sales of Business Property, the gains from which are reportable on Schedule D of Federal Form 1040.

Commercial Domicile—the principle place from which the business is directed or managed.

Equity Interest—an ownership interest in a business entity that is not publicly traded, such as stock in a corporation, a partnership interest in a partnership, or a membership interest in a limited liability company.

Net Capital Gains—the amount reported as capital gains on the Federal Form 1040.

Related Party—

a. a taxpayer and all entities which are controlled entities with respect to such taxpayer;

b. a taxpayer and any trust in which such taxpayer (or his spouse) is a beneficiary, unless such beneficiary’s interest in the trust is five percent or less of the value of the trust property; and

c. except in the case of a sale or exchange in satisfaction of a pecuniary bequest, a taxpayer who is an executor of an estate and a beneficiary of such estate.

Sale or Exchange of an Equity Interest—a sale or exchange of an equity interest that is reportable on Schedule D of Federal Form 1040—Capital Gains and Losses.

Sale or Exchange of Substantially all of the Assets of a Business—a sale or exchange of assets that leaves the entity unable to carry-on its business. A sale or exchange of assets is presumed to be a sale or exchange of substantially all of the assets of the business if the selling business transfers at least 90 percent of the fair market value of the net assets and at least 70 percent of the fair market value of the gross assets that it held immediately before the transfer.

C. Documentation Requirements

1. Taxpayers claiming the deduction shall submit the following documentation at the time of filing their Louisiana individual income tax return claiming the deduction:

a. a completed Louisiana Form R-6180, Net Capital Gains Deduction Worksheet;

b. documentary evidence of the date the taxpayer acquired an equity interest in the business, such as articles of incorporation or organization, acts of sale or exchange, or donative instruments;

c. a copy of the taxpayer’s federal Schedule K-1, if applicable, from the entity from which the gain was derived; and

d. a complete copy of the taxpayer’s Federal Form 1040 filed with the IRS for the period in which the gain was recognized, including the Schedule D and any corresponding schedules and forms.

2. In addition to the documentation required by Paragraph 1 above, when the capital gain for which a deduction is being claimed is greater than \$250,000, taxpayers shall also submit the following at the time of filing their Louisiana individual income tax return claiming the deduction:

a. copies of the last two returns on which the income from the business was reported. If the gain is derived

from a partnership, provide Form IT-565, Louisiana Partnership Return of Income, for the last two years.

b. If the gain is derived from a pass-through entity, provide detailed information on the pass-through structure, such as a complete organizational chart showing each tier between the taxpayer and the entity from which the gain is derived.

c. If the gain is from the sale of assets, the taxpayer shall also provide the following:

i. a depreciation schedule or fixed asset schedule showing a calculation of gross to net asset values; and

ii. an allocation of purchase price among assets as required by IRC Section 1060, and generally reportable on IRS Form 8594.

D. Eligibility Restrictions

1. Net capital gains resulting from the sale or exchange of real property or tangible assets may qualify for the deduction if 75 percent or more of the real property or tangible assets are located within Louisiana, provided however, that the income from the related business was subject to Louisiana income tax prior to the sale or exchange.

2. Net capital gains from the sale or exchange of an equity interest or from the sale or exchange of substantially all assets shall not qualify for the deduction if the transaction transfers ownership of the interest or assets to a related party.

E. The accrual of refund interest shall be suspended during any period of time that a delay in allowance or approval of the deduction is attributable to the taxpayer's failure to provide information or documentation required herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(9)(a)(xvii) and (10), 47:293.2 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Tax Policy and Planning 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 p.m., Wednesday, March 27, 2024.

Public Hearing

A public hearing will be held on Thursday, March 28, 2024, at 1:30 PM in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Christina Junker at the address given above in the Public Comments section, by email at LDRadarequests@la.gov, or by phone at (225) 219-2780.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Net Capital Gains Deduction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of the proposed rule is to implement Act 242 of the 2023 Regular Session ("Act 242"), which enacted R.S. 47:293.2 and requires the department to adopt certain regulations relative to the net capital gains deduction ("the deduction"). Specifically, R.S. 47:293.2 requires the department to adopt regulations establishing 1) documentation requirements applicable to taxpayers claiming the deduction; 2) a de minimis exception to documentation requirements for small transactions eligible for the deduction; 3) restrictions on eligibility for transactions where the majority of the physical assets are located outside of Louisiana; and 4) restrictions on eligibility for transactions between related parties. In addition, the rule defines certain terms and phrases contained in R.S. 47:293(9)(a)(xvii), which authorizes the deduction. The rule limits eligibility to net capital gains resulting from transactions in which at least 75 percent of the real property or tangible assets are located within Louisiana. Additionally, capital gain from transactions whereby ownership of the interest or assets are transferred to a related party do not qualify for the deduction. The rule further provides for the suspension of the accrual of refund interest should a taxpayer fail to provide information or documentation required within the regulation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Louisiana Department of Revenue's ("LDR") implementation costs are expected to be minimal. The agency currently has sufficient funding to implement the proposed rule. It is assumed that eligible claims for the deductions, particularly for relatively small capital gains, are not being

submitted due to the required documentation. The rule would require less paperwork for claims for capital gains under \$250,000 which could result in an increase of claims for the deduction. However, the proposed rule also limits eligibility which could result in fewer eligible claims. Related parties and parties with less than 75 percent of real property or tangible assets located in Louisiana will no longer qualify for the deduction. The extent to which these new restrictions offset the reduced amount of paperwork is unknown. Overall, the impact to the state is indeterminable.

With no local income tax, there is no impact to local governmental revenue as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Act 242 and the proposed rule are expected to result in more taxpayers claiming the net capital gains deduction. Many taxpayers will experience reduced paperwork requirements when seeking the deduction, resulting in increased utilization to the extent that the deduction was not claimed due to the documentation required. LDR will no longer require a qualified appraisal of the business, which will result in a reduction of costs for those seeking the deduction. The proposed rule will also prevent misuse of the deduction by related parties and parties with less than 75 percent of real property or tangible assets located in Louisiana. The proposed rule requires taxpayers seeking to claim the deduction to attach certain documentation based on whether the capital gain for which a deduction is being claimed is less than or greater than \$250,000. Taxpayers with capital gains less than \$250,000 can expect less costs and paperwork than those with capital gains greater than \$250,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2402#025

Deborah A. Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Tax Policy and Planning Division**

**Partnership Filing Requirements
(LAC 61:I.1402)**

Under the authority of R.S. 47:1511 and 201 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to adopt LAC 61:I.1402 relative to partnership filing requirements.

Revised Statute 47:201 requires partnerships to file an annual informational return of income, unless otherwise provided. The purpose of the proposed regulation is to implement Act 287 of the 2021 Regular Session of the Louisiana Legislature relative to partnership filing requirements.

The proposed Rule is written in plain language in an effort to increase transparency.

Title 61

REVENUE AND TAXATION

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

Chapter 14. Income: Partnerships

§1402. Partnership Filing Requirements

General Requirement

1. Unless otherwise provided, all partnerships doing business or deriving Louisiana sourced income are required to file an informational partnership return of income with the Department of Revenue.

2. Partnerships subject to the filing requirement are required to file Form IT-565, *Partnership Return of Income*, and include all required schedules and attachments.

B. Exceptions

1. A partnership is exempt from filing a partnership return if any of the following are applicable:

a. The partnership's gross receipts were less than \$250,000 and the partnership's total assets at the end of the tax year were less than \$1 million.

i. For purposes of this Subparagraph, "gross receipts" means the sum of the amounts reportable as gross receipt or sales, ordinary income from other partnerships, estates, and trusts, net farm profit and other income on federal Form 1065 or successor form (Lines 1a, 4, 5 and 7 on the 2023 Form 1065); other gross rental income, interest income, ordinary dividends, royalties, and other income on Schedule K, Partners' Distributive Share Items, of federal Form 1065 or successor form (Lines 3a, 5, 6a, 7, and 11 on the 2023 Form 1065, Schedule K); gross proceeds from short-term and long-term capital gains on federal Schedule D, Capital Gains and Losses or successor form; gross proceeds from sale of business property on federal Schedule 4797 or successor form; and total gross rents on federal Form 8825 or successor form, (Line 18a on the 2023), excluding any negative values.

ii. For purposes of this Subparagraph, "total assets" means amounts reportable as end of tax year total assets on Schedule L, Balance Sheet per Books of the federal Form 1065, or successor form (Line 14, column D on the 2023 Form 1065, Schedule L) without regard to location of assets, and excluding any negative values reported as assets on the lines preceding of Schedule L (Lines 1 through 13 on the 2023 form).

b. The partnership is not required to file federal Form 1065 with the Internal Revenue Service.

c. The partnership elected to be taxed as a corporation and files Form CIFT 620 with the Department of Revenue.

d. A partnership qualifying for any exception under this Paragraph must complete Form IT-565, *Partnership Return of Income*, when necessary, for the purpose of providing all partners with the information necessary to file all required income tax returns with the Department of Revenue.

2. Notwithstanding Paragraph 1, a partnership shall file a state partnership return regardless of any applicable exception, when any of the following apply:

a. The partnership is required to attach Schedule 6922, *Louisiana Composite Partnership*, to Form IT-565.

b. The partnership has partners or related parties with an approved pass-through entity election on file with the Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Brad Blanchard, 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 p.m., Tuesday, March 26, 2024.

Public Hearing

A public hearing will be held on Wednesday, March 27, 2024, at 10 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Brad Blanchard at the address given above in the Public

Comments section, by email at LDRadarequests@la.gov, or by phone at (225) 219-2780.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Partnership Filing Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule requires that all partnerships file an annual informational return of income with LDR as provided for in Act 287 of the 2021 Regular Session of the Louisiana Legislature. The proposed rule also provides exceptions to the filing requirement.

Implementation of this proposal will not result in material additional costs or cost savings to the Department of Revenue (LDR).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposal does not directly affect state revenues. With no local income tax, there is no impact to local governmental revenue as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Partnerships doing business or deriving Louisiana-sourced income would submit informational returns to LDR in order to comply with this proposal. However, the additional costs for completion and submission of the required informational return from this proposed rule are expected to be minor.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Luke Morris
Assistant Secretary
2402#018

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Ecotour Activities on WMAs (LAC 76:XIX.119)

The Wildlife and Fisheries Commission does hereby give notice of its intent to establish regulations for ecotour activities on Wildlife Management Areas (WMAs). The proposal will add regulations for commercial ecotour activities on certain WMAs.

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

§119. WMA Ecotours

A. Licensed Ecotours

1. Pursuant to R.S. 56:1833 on Wild Louisiana Guide License, individuals possessing a Wild Louisiana Guide License may conduct commercial boat/vessel ecotour activities on Maurepas Swamp and Pearl River WMAs only, via permit issued by the Department of Wildlife and Fisheries. Commercial ecotour activities must:

a. Obtain annually, a Special Use Permit from the Department of Wildlife and Fisheries. Such permits will specify:

i. dates, times, locations, and routes, whereby which tours may be conducted on a given WMA;

ii. number and types of vehicles and/or vessels, as well as number of individual tours or outings that will be allowed within a given timeframe;

iii. requirements for annual reporting will include number of tours conducted, number of vehicles and vessels per tour conducted, number of clients per tour conducted, dates, and beginning and ending times of activities;

iv. any additional requirements deemed necessary and appropriate by the department.

b. Pay to the department, a license fee of \$500 annually and a client fee of \$2 per trip for each person accompanying the guide on said WMAs; payments to be made quarterly or as determined by the Department of Wildlife and Fisheries.

c. The following is prohibited on ecotour outings:

i. taking, handling, harassing, feeding, baiting, luring, or releasing of wildlife;

ii. possession of animals;

iii. use of airboats;

iv. any additional activities specifically prohibited in the annual special use permit.

d. The number of permits shall be determined by the department but shall not exceed five permits per approved WMA per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:110.1 and R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:

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 April 4, 2024 to Steve Smith, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ssmith@wlf.la.gov.

Andrew J. Blanchard
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ecotour Activities on WMAs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have an expenditure impact on state or local governmental units.

The proposed rule change requires individuals conducting commercial nature-based outdoor recreational tours ("ecotours") on the Maurepas Swamp Wildlife Management Area (WMA) or the Pearl River WMA to obtain an annual Louisiana Wild Guide License (at a fee of \$500 per year) and a Special Use Permit and to pay a client fee of \$2 per trip per person to the Louisiana Department of Wildlife and Fisheries ("LDWF").

The Office of Wildlife's existing staff will process the applications for licenses and permits.

It defines reporting requirements for persons conducting "ecotours" on the approved WMA.

It prohibits persons conducting "ecotours" on approved WMA from using airboats, possessing animals, or taking, harassing, feeding, baiting, luring, or releasing of wildlife.

The proposed rule limits the number of Special Use Permits to five per year for each approved WMA.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase revenues accruing to the LDWF by up to \$5,000 per year from the issuance of Louisiana Wild Guide licenses and by an indeterminate amount per year from the collection of client fees of \$2 per customer per trip.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to increase expenditures incurred by persons leading ecotours on the approved WMA by \$500 per ecotour guide for Louisiana Wildlife Guide Licenses and by \$2 per trip per customer for client fees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition or employment.

Bryan McClinton
Undersecretary
2402#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Office of Workers' Compensation Administration

Medical Treatment Guidelines
(LAC 40:I.2007, 2021, 2113)

The Workforce Commission does hereby give notice of its intent to amend certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 20 and Chapter 21 regarding medical treatment guidelines. The purpose of this amendment is to update the medical treatment guidelines in accordance to a reoccurring maintenance schedule and add consistency throughout the guidelines. This proposed Rule is promulgated by the authority vested in the assistant secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.7.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Medical Guidelines

Chapter 20. Spine Medical Treatment Guidelines

Subchapter A. Cervical Spine Injury

Editor's Note: Form LWC-WC 1009. Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

§2007. Follow-Up Diagnostic Imaging and Testing Procedures

A. - C.2.c.iii. ...

d. Provocation Discography

i. Description. Discography is not recommended for use in the cervical spine.

3. - 3.e.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1634 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1121 (June 2014), LR 49:517 (March 2023).

Subchapter B. Low Back Pain

§2021. Therapeutic Procedures—Non-Operative

A. - H.3.d.ii. ...

iii. Timing/Frequency/Duration

(a). Frequency and optimum duration: two to three injections per year. If the first injection does not provide a diagnostic response of temporary and sustained pain relief substantiated by accepted pain scales, (i.e., 50 percent pain reduction substantiated by tools such as VAS), and improvement in function, similar injections should not be repeated. At least six weeks of functional benefit should be obtained with each therapeutic injection. If there is a 50 percent reduction in pain that lasts less than six weeks, the injection can be considered as part of the series of two injections used for the purpose of confirming the sacroiliac pain generator prior to sacroiliac fusion.

(b). ...

e. - i.i. ...

j. Basivertebral Nerve Ablation (BVN). This procedure is approved for a subgroup of chronic low back pain patients who have vertebrogenic-related symptomology.

i. Procedure is indicated if all of the following are met:

(a). Main symptom is low back pain, has had chronic low back pain for a minimum of 6 months, and patient is mature skeletally;

(b). Despite attempts at nonsurgical management, the patient has failed to satisfactorily improve; and

(c). Type 1 (hypointensity) or Type 2 (hyperintensity) Modic changes are reported at the endplates that are the suspected pain generators by the reading radiologist and/or treating physician. If MRI is contraindicated in the patient, a CT/SPET merge with increased uptake at the suspected endplate is acceptable.

ii. Procedure is not indicated if any of the following occurs:

(a). Patients has implantable pulse generators (pacemakers, defibrillators) or other electronic implants unless specific precautions are taken to maintain safety;

(b). Active systemic infection or spine infection;

(c). Severe cardiac or pulmonary compromise;

(d). Lumbar radiculopathy or radicular pain due to neurocompression (for example, HNP, stenosis), neurogenic claudication, as primary symptoms;

(e). Metabolic bone disease (for example, osteoporosis), trauma/compression fracture or spinal cancer, treatment of spine fragility fracture; or

(f). Evidence on imaging implies another cause for the patient's low back pain symptoms, including but not limited to degenerative scoliosis or facet arthropathy or effusion with clinically suspected facet joint pain, disc herniation, segmental instability, lumbar stenosis.

(g). Prior basivertebral denervation at the suspected level.

4. - 14.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1664 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1140 (June 2014), LR 46:1452 (September 2020), LR 49:520 (March 2023), amended LR 50:

Chapter 21. Pain Medical Treatment Guidelines

Subchapter A. Chronic Pain Disorder Medical Treatment Guidelines

Editor's Note: Form LWC-WC 1009. Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

§2113. Therapeutic Procedures—Operative

A. - A.7. ...

8. Peripheral Nerve Stimulation—This modality should only be employed with a clear nerve injury or when the majority of pain is clearly in a nerve distribution in patients who have completed six months of other appropriate therapy including the same pre-trial psychosocial evaluation and treatment as are recommended for spinal cord stimulation. A screening trial should take place over three to seven days and is considered successful if the patient meets both of the following criteria: (a) experiences a 50 percent decrease in pain, which may be confirmed by Visual Analogue Scale (VAS) or Numerical Rating Scale (NRS) and (b) demonstrates objective functional gains or decreased

utilization of pain medications. It may be used for proven occipital, ulnar, median, and other isolated nerve injuries.

9. - 9.f. ...

10. Dorsal Nerve Root Resection: This procedure is not recommended. There exists the possibility of complications including unintended extensive nerve damage causing significant motor or sensibility changes from larger than anticipated lesioning of the ganglia at the dorsal ganglia level. For radio-frequency ablation refer to Radio Frequency Ablation—Dorsal Nerve Root Ganglion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1711 (June 2011), amended LR 46:246 (February 2020), repromulgated LR 46:397 (March 2020), amended LR 50:

Family Impact Statement

This amendment to Title 40 should have no impact on families.

Poverty Impact Statement

This amendment to Title 40 should have no impact on poverty or family income.

Provider Impact Statement

1. This Rule should have no impact on the staffing level of the Office of Workers' Compensation as adequate staff already exists to handle the procedural changes.

2. This Rule should create no additional cost to providers or payers.

3. This Rule should have no impact on ability of the provider to provide the same level of service that it currently provides.

Small Business Analysis

This amendment to Title 40 should have no direct impact on small or local businesses.

Public Comments

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Tavares Walker, OWC-Administration, 1001 North 23rd Street, Baton Rouge,

LA 70802. Such comments should be received by 5 pm on March 10, 2024.

Susana Schowen
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Medical Treatment Guidelines

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is anticipated to have no fiscal impact on state or local governmental units.

LA R.S. 23:1203.1 requires the Office of Workers' Compensation Administration (OWCA) assistant secretary, with the assistance of the medical advisory council, to review and update the medical treatment schedule a minimum of once every two years. In accordance with LA R.S. 23:1203.1, the proposed rule amends the medical guidelines as contained in Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 20 and Chapter 21.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule change will have no 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 rules update the medical guidelines for the treatment of injured workers. It is anticipated that the proposed rules will not result in a direct economic benefit. However, the proposed rules may provide an indirect benefit to injured workers, employers, and insurers, by providing better medical treatment to injured workers; thus, facilitating their recovery and return to work.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change has no known effect on competition and employment.

Tavares A. Walker
Deputy Assistant Secretary
2402#051

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Justice

Occupational Licensing Review Program
Accepting Participants for FY 2024-2025

The Department of Justice is currently accepting occupational licensing boards into its Occupational Licensing Review Program established by R.S. 49:260. This program provides for active state supervision and was established to ensure that participating boards and board members avoid liability under federal antitrust laws. Participants for the 2024-2025 Fiscal Year will be accepted into the program through May 31, 2024. For information about participating in the program, contact Nicol Hebert, Assistant Attorney General, Department of Justice at 225-326-6000.

Nicol Hebert
Assistant Attorney General

2402#019

POTPOURRI

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

Cost Settlements for Adult Day Health Care Providers
during the Coronavirus Disease 2019 (COVID-19)
Public Health Emergency (LAC 50:XXI.723)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated rules relative to cost settlement of the direct care cost component for adult day health care (ADHC) providers. ADHC health status monitoring (HSM) is a service allowed during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) to participants not able to go to ADHC centers. Based on audits of fiscal year (FY) 2022 cost reports, approximately 10 percent of provider's staff time was spent on direct contact with participants making ADHC HSM telephone calls. Therefore, the department has determined to cost settle at the 10 percent direct care estimate for ADHC HSM for FY 2022 (July 2021-June 2022) and for FY 2023 (July 2022-June 2023). The department also updated the FY 2023 cost report template and extended the deadline for submission.

Following the end of the COVID-19 PHE, the department now allows ADHC HSM as a service under the ADHC Waiver. The department will recalculate the percentage of ADHC HSM direct care cost based on the future changes to the ADHC HSM rate and update the cost report template accordingly.

All other direct care cost components shall be subject to cost settlement as noted in LAC 50:XXI.723.C.

Ralph L. Abraham, M.D.
Secretary

2402#060

POTPOURRI

Department of Health Office of Public Health Bureau of Emergency Medical Services

Public Hearing-Substantive Changes to Proposed Rule
Licensing and Certification Automated External
Defibrillators (LAC 48:I.Chapter 61)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) published a Notice of Intent in the October 20, 2023 edition of the *Louisiana Register* to amend LAC 48:I.Chapters 61 regarding automated external defibrillators as authorized by R.S. 40:1137. This potpourri includes additional substantive and technical changes to LAC 48:I.6101 and 6103.

In compliance with Act 234 of the 2023 Regular Session of the Louisiana Legislature, the LDH-OPH-BEMS propose to amend the regulations governing the use of automated external defibrillators in schools and at sponsored athletic events in order to: 1) ensure three largest CPR training agencies in the United States are listed in the language; 2) remove the organization that no longer exists; and, 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*.

Part XXXVIII is proposed to be substantively rearranged as regards to the location of the bulk of the text content which exists in some particular Sections of the current rule housed within Title 46 of the Louisiana Administrative Code (LAC) but which is now proposed to be moved into another Section of the proposed Rule. The text content of each Section which has been moved does contain one or more amendments within the proposed new location. In addition, currently existing headings labeled as a particular Subpart, a particular Chapter and a particular Subchapter are proposed to be repealed. For this reason, the table below summarizes the proposed rearrangement of the text content and which specific items are proposed to be repealed.

This Potpourri announces substantive changes to the provisions proposed in the October 20, 2023 Notice of Intent. Taken together, all of these revisions to the October 20, 2023 Notice of Intent will closely align the proposed Rule with the department's original intent and address the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

Title 48
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part I. Licensing and Certification

Chapter 61. Automated External Defibrillators

§6101. Purpose and Definitions

A. Purpose. These rules establish standards for the maintenance of automated external defibrillators for the owner of or the entity responsible for a physical fitness facility each postsecondary education institution, any postsecondary education institution that sponsors an intercollegiate athletic event, each elementary, middle and high school, and any elementary, middle, or high school that sponsors an interscholastic athletic event that possesses an automated external defibrillator.

B. ...

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a. - e. ...

Bureau—unless otherwise specified, the Bureau of Emergency medical Services within the Office of Public Health of the Louisiana Department of Health.

Bureau of Emergency Medical Services (Bureau of EMS, BEMS)—the EMS regulatory agency that licenses EMS practitioners; ambulance services/providers and enforces compliance of legislation that regulates telecommunicators and possessors of AEDs.

Cardiac Emergency Response Plan—a document written by the principal, president, or chancellor, or chief executive of a postsecondary education institution, elementary, middle, or high school, in collaboration with local emergency responders, that establishes the specific steps to reduce death from cardiac arrest at an intercollegiate or interscholastic athletic event.

Cardiac Emergency Response Team—a group of a minimum of two, but preferably four, individuals credentialed in pediatric, child, and adult CPR and use of an AED.

* * *

Credentialed—adult and pediatric expected CPR providers and expected AED users who have completed an adult and pediatric CPR and AED course recognized by a nationally recognized organization or association such as the American Heart Association (AHA), the American Red Cross (ARC), the National Safety Council and the Health and Safety Institute (HSI), or the equivalent cardiopulmonary resuscitation credential that has been approved by the Louisiana Department of Health.

* * *

High School—an education facility that typically comprises of grades nine through twelve.

Information Management System—an electronic system used to collect, analyze, and process data that is entered and/or uploaded into the system

Intercollegiate Athletic Events—athletic or sporting competitions between or among postsecondary education institutions, hosted or sponsored by one or more participating institutions.

Interscholastic Athletic Event—athletic or sporting competitions or activities between or among different elementary, middle, or high schools, hosted or sponsored by one or more participating schools.

Middle School—an education facility that typically includes grades seven and eight but may also include grades six and nine; also referred to as Junior High School.

* * *

Possessor—any person, service, business, industry, physical fitness facility, entity, postsecondary education institution participating in intercollegiate sport, or security vehicle possessing an AED.

Postsecondary Education Institution—an institution that offers education following successful completion of high school or equivalent (e.g. GED); such institutions provide a higher level of education, and include universities, colleges, and trade, technical, and professional schools.

Premises—the physical facility, its contents, and the contiguous land or property under the control of a person or entity, and may mean a room, shop, building, field, or other definite area.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B) and R.S. 40:1137.3(F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2928 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:742 (June 2021); amended LR 49 (October 2023), LR 50:

§6103. General Provisions

A. General requirements of a Possessor

1. A possessor's responsibility and requirements are as follows.

a. The AED must be maintained and tested according to the manufacturer's guidelines; in accordance with state and federal rules and polices, including review of product warranty expirations for AED machine, pads and batteries.

b. Expected AED users must receive appropriate training in CPR and in the use of an AED by the American Heart Association, American Red Cross, the Health and Safety Institute, or the equivalent cardiopulmonary resuscitation credential that has been approved by LDH.

c. The local provider of emergency medical services (EMS) (such as a 911 service, local ambulance service, or fire department) must be activated by the possessor as soon as possible when an individual renders emergency care to an individual in cardiac arrest by using CPR or an AED. It is the responsibility of the individual rendering the emergency care to activate the local EMS provider.

d. The possessor must comply with all applicable requirements of R.S. 40:1137.3.

2. Any manufacturer, wholesale supplier, or retailer of an AED must notify purchasers of AED's intended for use in the state of Louisiana of the requirements of R.S. 40:1137.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1137.3(F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2929 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:742 (June 2021); amended LR 49 (October 2023), LR 50:

§6105. Requirements and Reports

A. General Plan and Usage Review

1. All entities that are required by La. R.S. 40:1137.3 or this Chapter to possess an AED must have a written CPR/AED guideline or plan for use during a sudden cardiac arrest (SCA)

B. Additional Requirements for a Physical Fitness Facility or Physical Fitness Center

1. After every event in which an AED is used, it is the responsibility of the physical fitness facility or physical fitness center to immediately replenish the AED supplies that were used and prepare the device to be ready for the next event.

2. The owner of or the entity responsible for either a physical fitness facility or a physical fitness center, must keep an AED on its premises, and must conduct routine testing and maintenance as prescribed by the manufacturer.

C. Additional Requirements for postsecondary education institutions, effective upon the beginning of the 2024-2025 school year.

1. A Cardiac Emergency Response plan must be written and identify the members of the Cardiac Emergency Response Team. At a minimum, the plan must include:

- a. establishing a cardiac emergency response team;
- b. activating the team in response to a sudden cardiac arrest;
- c. implementing AED placement and routine maintenance within the institution;
- d. maintaining ongoing staff training in CPR and AED use;
- e. practicing using drills;
- f. integrating local EMS with the plan; and
- g. annually reviewing and evaluating the plan.

2. After every event in which an AED is used, it is the responsibility of the postsecondary education institution to immediately replenish the AED supplies that were used and prepare the device to be ready for the next event.

3. Each postsecondary education institution shall register the institution in the Bureau of EMS Information Management System.

a. This registration shall include, but is not limited to, the following information, and is subject to the following requirements:

- i. name and title of the individual(s) responsible for the maintenance and testing of the AED(s);
- ii. name and title of the individual(s) trained to utilize the AED(s);
- iii. location of all AED(s);
- iv. serial number/identification number of all AED(s);
- v. schedules and timeframes for required maintenance;
- vi. name of agency issuing training credential, name of individuals completing the credentialing training, date of recommended renewal of training;
- vii. name of the individual providing medical oversight;
- viii. initial registration shall occur within 60 days of the effective date of this Subsection, and any change in or addition to required information shall be uploaded to the Bureau of EMS Information Management System within 30 days from the date of occurrence;

ix. each postsecondary education institution shall have an AED on its premises in an easily accessible location, which location shall be within the athletic department if it has such a department; and

x. any postsecondary education institution that sponsors or hosts an intercollegiate athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

D. Additional Requirements for postsecondary education institutions effective until the beginning of the 2024-2025 school year.

1. Any institution of higher education that competes in intercollegiate athletics must have an AED on its premises in its athletic department, with posters approved by AHA/ARC on how to safely perform CPR and use the AED. The AED must be placed in open view within 2 feet of a telephone to readily enable a call to 911 from within the athletic department. It must also be placed in an area with easy access to coaches and athletic personnel where athletes are training and/or competing.

E. Additional Requirements for elementary, middle, and high schools, effective upon the beginning of the 2024-2025 school year.

1. A Cardiac Emergency Response plan must be written and identify the members of the Cardiac Emergency Response Team. At a minimum, the plan must include:

- a. establishing a cardiac emergency response team;
- b. activating the team in response to a sudden cardiac arrest;
- c. implementing AED placement and routine maintenance within the institution;
- d. maintaining ongoing staff training in CPR and AED use;
- e. practicing using drills;
- f. integrating local EMS with the plan; and
- g. annually reviewing and evaluating the plan.

2. After every event in which an AED is used, it is the responsibility of the educational facility to immediately replenish the AED supplies that were used and prepared the device to be ready for the next event.

3. Each elementary, middle, and high school shall register the education facility in the Bureau of EMS Information Management System

a. This registration shall include, but is not limited to, the following information, and is subject to the following and requirements:

- i. name and title of the individual(s) responsible for the maintenance and testing of the AED(s);
- ii. name and title of the individual(s) who have completed the training to utilize the AED(s);
- iii. location of all AED(s);
- iv. serial number/identification number of all AED(s);
- v. schedules and timeframes for required maintenance;
- vi. name of agency issuing training credentials, name of individuals completing the credentialing training, date of recommended renewal of training;
- vii. initial registration shall occur within 60 days of the effective date of this Subsection, and any change in or addition to required information shall be uploaded to the

Bureau of EMS Information Management System within 30 days from the date of occurrence;

viii. each elementary, middle, and high school shall have an AED on its premises in an easily accessible location; and

ix. any elementary, middle, or high school that sponsors or hosts an interscholastic athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

F. Additional Requirements for elementary, middle, and high schools, effective until the beginning of the 2024-2025 school year.

1. Each high school must have an AED on its premises, if funding is available, subject to appropriation.

G. Compliance and Enforcement

1. The BEMS shall inspect the premises in response to a complaint filed therewith that alleges a violation of R.S. 40:1137.3(D), R.S. 1137.3(E)(1)(a), or R.S. 40:1137.3(E)(2)(a) and specifies the name, address, and telephone number of the alleged violator. The BEMS may inspect facilities or premises at other times to ensure compliance therewith.

2. Violations of R.S. 40:1137.3(D), R.S. 40:1137.3(E)(1)(a), or R.S. 40:1137.3(E)(2)(a), may result in the assessment by BEMS of monetary penalties, on a per violation basis, as follows:

a. Voluntary Compliance Effort.

i. The BEMS or its designee shall issue a written administrative warning without monetary penalty upon determining that an initial violation exists. The written notification of violation shall grant a 30-day grace period from the date the warning is received by the recipient.

b. Monetary Penalties.

i. BEMS may impose monetary penalties in the amount of \$150 per violation per month upon determination that one or more violations continue to exist after the 30-day grace period has expired. A violation that exists for any portion of a month shall constitute an entire month;

ii. BEMS may impose monetary penalties in the amount of \$200 per violation per month upon determination that one or more violations continue to exist for more than six months following the expiration of the 30-day grace period. A violation that exists for any portion of a month shall constitute an entire month;

iii. If it determines that a violation has continued for more than six months following the expiration of the 30-day grace period, the BEMS or its designee may report said violation to the Louisiana attorney general’s office or other governing authorities requesting issuance of further warning and/or the institution of judicial enforcement procedures; and

iv. The monetary civil penalties authorized by this Section shall be imposed by issuance to an alleged violator (“Respondent”) of a written Notice of Penalty Imposition. Said Notice shall include language advising the Respondent of the right to an administrative hearing concerning same, which right shall expire unless the Respondent files, in the manner specified therein, a written request for an administrative hearing with BEMS within 20 calendar days of receipt of the Notice. If such a written request is timely filed, then it shall be forwarded by BEMS to the Louisiana Division of Administrative Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1137.3(F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2930 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:743 (June 2021); amended LR 49 (October 2023), LR 50:

Public Hearing

Interested persons may submit written comments to Susan Bailey, Director, Bureau of Emergency Medical Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. Ms. Bailey 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 Thursday, March 28, 2024 at 9:00 AM in Room 173, 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 PM on March 28, 2024.

Ralph L. Abraham, M.D.
Secretary

2402#038

POTPOURRI

**Department of Energy and 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
Caddo Parish Holdings LLC	Caddo Pine Island	S	Ducote A	001	162200
Caddo Parish Holdings LLC	Caddo Pine Island	S	R T Douglas C	040	111237(30)
Caddo Parish Holdings LLC	Caddo Pine Island	S	R T Douglas C	048	112308(30)
Caddo Parish Holdings LLC	Caddo Pine Island	S	Haynesville Mercantile Co	002	102890(30)
D. A. Milton	Standard	M	Frazier & James	001	157751
D. A. Milton	Olla	M	Randall Est	001	157827
D. A. Milton	Olla	M	Randall	001	158409
D. A. Milton	Standard	M	Kirkham	001	177403
D. A. Milton	Olla	M	Randall	006	198074
Delta Operating Corporation	Ramos	L	Operc Bra sua; Avoca Inc	001	173900
Delta Operating Corporation	Ramos	L	Avoca Inc swd	002	974141

Operator	Field	District	Well Name	Well Number	Serial Number
F. E. Hargraves	Caddo Pine Island	S	Noel Estate	002	73710(30)
H. W. Klein	Sugar Creek	M	A H Sims	001	36847(29)
Lawrence Oil, Inc.	Wildcat-So La Lafayette Dist	L	Stella Roy Soulier et al	001	111638(29)
Monroe Geller & Irving Lobel	Caddo Pine Island	S	P C Worley Succn	008	58747(30)
Monroe Geller & Irving Lobel	Caddo Pine Island	S	P C Worley Succn	009	59245(30)
Mooringsport Energy Prod Corp	Longwood	S	Robert B Cushman	001	141403(30)
Navitas II, LLC	Tulla, East	L	W R Smith et al	001	148565
Navitas II, LLC	Righthand Creek	L	Doornbos swd	001	244501
Navitas II, LLC	Righthand Creek	L	Wx Rb Sua;Joseph Hudson	001	245244
Pan American Petroleum Corp.	Caddo Pine Island	S	Dillon	038	3605(30)
Parker Oil Company	Caddo Pine Island	S	Dawes	001	163155
Parker Oil Company	Caddo Pine Island	S	Dawes	002	163205
Parker Oil Company	Caddo Pine Island	S	Dawes B	001	163725
Parker Oil Company	Caddo Pine Island	S	Dawes	003	165160
Parker Oil Company	Caddo Pine Island	S	Dawes B	002	165366
Parker Oil Company	Caddo Pine Island	S	Dawes	005	166659
Parker Oil Company	Caddo Pine Island	S	Dawes	004	167244
Parker Oil Company	Caddo Pine Island	S	Dawes	006	167504
Parker Oil Company	Caddo Pine Island	S	Dawes B	003	168135
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	001	168586
Parker Oil Company	Caddo Pine Island	S	Parker A	002	176782
Parker Oil Company	Caddo Pine Island	S	Parker A	003	176783
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	002	177639
Parker Oil Company	Caddo Pine Island	S	Parker A	005	178009

Operator	Field	District	Well Name	Well Number	Serial Number
Parker Oil Company	Caddo Pine Island	S	Parker A	006	178156
Parker Oil Company	Caddo Pine Island	S	Parker A	007	178235
Parker Oil Company	Caddo Pine Island	S	Parker A	008	178236
Parker Oil Company	Caddo Pine Island	S	Parker A	009	178237
Parker Oil Company	Caddo Pine Island	S	Parker A	010	178238
Parker Oil Company	Caddo Pine Island	S	Parker A	013	178598
Parker Oil Company	Caddo Pine Island	S	Parker A	014	178599
Parker Oil Company	Caddo Pine Island	S	Parker A	012	178600
Parker Oil Company	Caddo Pine Island	S	Parker A	015	180071
Parker Oil Company	Caddo Pine Island	S	Parker A	016	180072
Parker Oil Company	Caddo Pine Island	S	Parker A	017	180073
Parker Oil Company	Caddo Pine Island	S	Parker A	018	181192
Parker Oil Company	Caddo Pine Island	S	Parker A	019	182219
Parker Oil Company	Caddo Pine Island	S	Parker A	020	182220
Parker Oil Company	Caddo Pine Island	S	Parker A	022	182625
Parker Oil Company	Caddo Pine Island	S	Parker A	021	182626
Parker Oil Company	Caddo Pine Island	S	Parker A	023	183224
Parker Oil Company	Caddo Pine Island	S	Parker A	024	183225
Parker Oil Company	Caddo Pine Island	S	Parker A	025	183334
Parker Oil Company	Caddo Pine Island	S	Parker A	026	183335
Parker Oil Company	Caddo Pine Island	S	Parker A	027	183336
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	003	184702
Parker Oil Company	Caddo Pine Island	S	Parker A	038	184741
Parker Oil Company	Caddo Pine Island	S	Parker A swd	004	184742

Operator	Field	District	Well Name	Well Number	Serial Number
Parker Oil Company	Caddo Pine Island	S	Dawes	007	185053
Parker Oil Company	Caddo Pine Island	S	Dawes	008	185054
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	004	185377
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	005	185378
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	006	185379
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	007	185380
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	008	185381
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	009	185382
Parker Oil Company	Caddo Pine Island	S	Parker A	028	187082
Parker Oil Company	Caddo Pine Island	S	Parker A	029	187083
Parker Oil Company	Caddo Pine Island	S	Parker A	030	188939
Parker Oil Company	Caddo Pine Island	S	Parker A	031	188940
Parker Oil Company	Caddo Pine Island	S	Parker A	032	188941
Parker Oil Company	Caddo Pine Island	S	Parker A	033	188942
Parker Oil Company	Caddo Pine Island	S	Parker A	034	188943
Parker Oil Company	Caddo Pine Island	S	Parker A	035	188944
Parker Oil Company	Caddo Pine Island	S	Parker A	036	188945
Parker Oil Company	Caddo Pine Island	S	Parker A	037	188946
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	010	188949
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	011	188950
Parker Oil Company	Caddo Pine Island	S	Dawes	010	189764
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	001	190047
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	002	190048
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	003	190049

Operator	Field	District	Well Name	Well Number	Serial Number
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	004	190050
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	005	190051
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	006	190052
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	007	190053
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	008	190054
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	009	190055
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	010	190056
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	011	190057
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	012	190058
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	013	190059
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A swd	014	190060
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	015	190061
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	016	190062
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	017	190063
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	018	190064
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	019	190065
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	020	190066
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	021	190067
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	022	190068
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	023	190069
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	024	190070
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	025	190071
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	026	190072
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	027	190073

Operator	Field	District	Well Name	Well Number	Serial Number
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	028	190074
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	029	190075
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	030	190076
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	031	190077
Parker Oil Company	Caddo Pine Island	S	Henry Dawes A	032	190078
Parker Oil Company	Caddo Pine Island	S	Dawes	011	191696
Parker Oil Company	Caddo Pine Island	S	Dawes	012	191697
Parker Oil Company	Caddo Pine Island	S	Dawes	013	191698
Parker Oil Company	Caddo Pine Island	S	Dawes	014	191699
Parker Oil Company	Caddo Pine Island	S	Dawes	015	191700
Parker Oil Company	Caddo Pine Island	S	Caldwell et al	001	195694
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	012	195744
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	013	195745
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	014	199944
Parker Oil Company	Caddo Pine Island	S	Henry Dawes	015	199945
Parker Oil Company	Caddo Pine Island	S	Stanberry	001	201609
Parker Oil Company	Caddo Pine Island	S	Dawes C	001	202483
Parker Oil Company	Caddo Pine Island	S	Dawes C	002	202484
Parker Oil Company	Caddo Pine Island	S	Dawes C	003	202485
Parker Oil Company	Caddo Pine Island	S	Dawes C	004	202486
Parker Oil Company	Caddo Pine Island	S	Dawes C	005	202763
Parker Oil Company	Caddo Pine Island	S	Dawes C	006	202764
Parker Oil Company	Caddo Pine Island	S	Dawes C	007	202765
Parker Oil Company	Caddo Pine Island	S	Dawes C	008	202766

Operator	Field	District	Well Name	Well Number	Serial Number
Parker Oil Company	Caddo Pine Island	S	Dawes C	009	202767
Parker Oil Company	Caddo Pine Island	S	Dawes C	010	202768
Parker Oil Company	Caddo Pine Island	S	Parker E	001	205498
Parker Oil Company	Caddo Pine Island	S	Parker E	002	205878
Parker Oil Company	Caddo Pine Island	S	Dawes B	004	205988
Parker Oil Company	Caddo Pine Island	S	Dawes B	005	205989
Parker Oil Company	Caddo Pine Island	S	Dawes B	006	213274
Parker Oil Company	Caddo Pine Island	S	Dawes	016	213348
Parker Oil Company	Caddo Pine Island	S	Dawes B	007	213580
Parker Oil Company	Caddo Pine Island	S	Dawes B	008	213749
Parker Oil Company	Caddo Pine Island	S	Dawes	017	214093
Parker Oil Company	Caddo Pine Island	S	Dawes B	009	214890
Parker Oil Company	Caddo Pine Island	S	Parker A swd	003	971052
Parker Oil Company	Caddo Pine Island	S	Henry Dawes B swd	009	971174
Parker Oil Company	Caddo Pine Island	S	Parker E swd	001	971872
Rowell Bros	Caddo Pine Island	S	Homer R Rowell	001	54537(30)
Scott W. Brumley	Caddo Pine Island	S	Ruben V Glassell	001	97107
Star Falcon Oil Co.	Caddo Pine Island	S	Raines	038	55821
Truman & Reginald Smith	Monroe	M	T& R Smith	001	154336
Truman & Reginald Smith	Monroe	M	T& R Smith	002	154337
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-1	22335
Tulip Industries, Inc.	Monroe	M	Tensas Delta	023	22779
Tulip Industries, Inc.	Monroe	M	Tensas Delta	024	22780
Tulip Industries, Inc.	Monroe	M	Tensas Delta	033	24473
Tulip Industries, Inc.	Monroe	M	Tensas Delta	034	24474
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-2	24723

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Tensas Delta	035	24950
Tulip Industries, Inc.	Monroe	M	Tensas Delta	036	25045
Tulip Industries, Inc.	Monroe	M	Tensas Delta	038	26452
Tulip Industries, Inc.	Monroe	M	Morehouse Parish School Bd J	A-1	27456
Tulip Industries, Inc.	Monroe	M	Tensas Delta	039	27733
Tulip Industries, Inc.	Monroe	M	Tensas Delta	044	28444
Tulip Industries, Inc.	Monroe	M	Tensas Delta	046	31224
Tulip Industries, Inc.	Monroe	M	Ball	041	36287
Tulip Industries, Inc.	Monroe	M	Ball	042	36289
Tulip Industries, Inc.	Monroe	M	Ball	043	36290
Tulip Industries, Inc.	Monroe	M	Ball	044	36422
Tulip Industries, Inc.	Monroe	M	Ball	010	36423
Tulip Industries, Inc.	Monroe	M	Ball	011	36424
Tulip Industries, Inc.	Monroe	M	Ball	012	36425
Tulip Industries, Inc.	Monroe	M	Ball	013	36604
Tulip Industries, Inc.	Monroe	M	Ball	016	36605
Tulip Industries, Inc.	Monroe	M	Morehouse Parish School Bd J	A-3	39045
Tulip Industries, Inc.	Monroe	M	Ball	021	39176
Tulip Industries, Inc.	Monroe	M	Ball	023	39658
Tulip Industries, Inc.	Monroe	M	Ball	022	39759
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land Co B	001	41819
Tulip Industries, Inc.	Monroe	M	Ball	020	42236
Tulip Industries, Inc.	Monroe	M	Tensas Delta	048	63217
Tulip Industries, Inc.	Monroe	M	Tensas Delta	049	63559
Tulip Industries, Inc.	Monroe	M	Ball	027	80737
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	001	86496
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	002	86497
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	004	86690
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	003	86758

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	007	86902
Tulip Industries, Inc.	Monroe	M	Ball	028	87245
Tulip Industries, Inc.	Monroe	M	Crossett Lbr Co	001	90738
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	009	91391
Tulip Industries, Inc.	Monroe	M	Ball	032	91468
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	005	91663
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	017	92033
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	018	92034
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	019	92035
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	015	92086
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	016	92087
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	010	92256
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	011	92257
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	012	92381
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	013	92382
Tulip Industries, Inc.	Monroe	M	Harrell Su436;G P P Corp	B001	95373
Tulip Industries, Inc.	Monroe	M	Ball	034	96617
Tulip Industries, Inc.	Monroe	M	Ball	033	96621
Tulip Industries, Inc.	Monroe	M	Ball	035	98798
Tulip Industries, Inc.	Monroe	M	Harrell Su389;Ga Pa P Corp	B006	102602
Tulip Industries, Inc.	Monroe	M	Ball	037	103623
Tulip Industries, Inc.	Monroe	M	Ball	038	103624

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Ball	039	103625
Tulip Industries, Inc.	Monroe	M	Ball	040	103626
Tulip Industries, Inc.	Monroe	M	Harrell Su425; Georgia Pacific	001	106942
Tulip Industries, Inc.	Monroe	M	Harrell Su412; Georgia Pacific	B002	108519
Tulip Industries, Inc.	Monroe	M	Ball	N043	110016
Tulip Industries, Inc.	Monroe	M	Ball	N042	110017
Tulip Industries, Inc.	Monroe	M	Ball	N027	110019
Tulip Industries, Inc.	Monroe	M	Ball	N023	110022
Tulip Industries, Inc.	Monroe	M	Ball	N022	110023
Tulip Industries, Inc.	Monroe	M	Ball	N026	110229
Tulip Industries, Inc.	Monroe	M	Ball	N028	110230
Tulip Industries, Inc.	Monroe	M	Ball	N030	110231
Tulip Industries, Inc.	Monroe	M	Ball	N031	110232
Tulip Industries, Inc.	Monroe	M	Ball	N044	110234
Tulip Industries, Inc.	Monroe	M	Ball	N033	110368
Tulip Industries, Inc.	Monroe	M	Ball	N034	110369
Tulip Industries, Inc.	Monroe	M	Ball	N036	110370
Tulip Industries, Inc.	Monroe	M	Ball	N038	110371
Tulip Industries, Inc.	Monroe	M	Ball	N035	110475
Tulip Industries, Inc.	Monroe	M	Ball	N037	110476
Tulip Industries, Inc.	Monroe	M	Ball	N039	110477
Tulip Industries, Inc.	Monroe	M	Ball	N040	110478
Tulip Industries, Inc.	Monroe	M	Ball	N041	110479
Tulip Industries, Inc.	Monroe	M	Ball	0052	110657
Tulip Industries, Inc.	Monroe	M	Ball	0049	111027
Tulip Industries, Inc.	Monroe	M	Tensas Delta	B002	114798
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	004	114799
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	005	114800
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	006	114801
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	008	114802
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	011	114803
Tulip Industries, Inc.	Monroe	M	Ball swd	N-47	115666
Tulip Industries, Inc.	Monroe	M	Ball	N054	115668
Tulip Industries, Inc.	Monroe	M	Ball	N055	115669

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Ball	N056	115670
Tulip Industries, Inc.	Monroe	M	Ball	N057	115671
Tulip Industries, Inc.	Monroe	M	Ball	N058	115672
Tulip Industries, Inc.	Monroe	M	Ball	N059	115673
Tulip Industries, Inc.	Monroe	M	Ball	N061	115675
Tulip Industries, Inc.	Monroe	M	Ball	N063	115677
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F014	115839
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	010	116016
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	016	116017
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	030	116020
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	031	116021
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	009	116320
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	018	116502
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	026	120953
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	020	120954
Tulip Industries, Inc.	Monroe	M	Tensas Delta Fee	023	120955
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F022	121288
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F024	121289
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F027	121290
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F032	121291
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F033	121292
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F34	121293
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F025	121541
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F047	121584
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F054	126443
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F055	126444
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F056	126445
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F059	126678
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F060	126679
Tulip Industries, Inc.	Monroe	M	Harrell Su410; Ga Pa	001	130685
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 32	004	130864
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F084	134791
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F085	134792
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F086	134793
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F087	134904

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Crossett Tbr & Dev Co Inc J	122	135116
Tulip Industries, Inc.	Monroe	M	Crossett Tbr & Dev Co Inc J	131	135117
Tulip Industries, Inc.	Monroe	M	Ball	N-240	137632
Tulip Industries, Inc.	Monroe	M	Ball	N-242	137633
Tulip Industries, Inc.	Monroe	M	Ball	N-244	137683
Tulip Industries, Inc.	Monroe	M	Ball	N-245	137707
Tulip Industries, Inc.	Monroe	M	Ball	N-246	139823
Tulip Industries, Inc.	Monroe	M	Ball	N-248	140844
Tulip Industries, Inc.	Monroe	M	Ball	N-249	140845
Tulip Industries, Inc.	Monroe	M	Ball	N-251	141035
Tulip Industries, Inc.	Monroe	M	Ball	N-267	141036
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G005	142893
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G006	142894
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A001	143003
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A003	143004
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A004	143005
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G008	143063
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G010	143064
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A002	143105
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G011	143152
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G012	143153
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G003	143309
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G004	143310
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G009	143311
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	G007	143417
Tulip Industries, Inc.	Monroe	M	Lillie Davis	001	143935
Tulip Industries, Inc.	Monroe	M	Lillie Davis	002	143936
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A006	145906
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A007	145907
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A008	145908
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A009	145909
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A010	145910
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A011	145911
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A012	145912

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A014	145914
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A015	146337
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A016	146338
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A017	146339
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A018	146340
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A019	146341
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A020	146342
Tulip Industries, Inc.	Monroe	M	Jenny	001	146701
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A025	146840
Tulip Industries, Inc.	Monroe	M	J W Perry A	001	147911
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	002	149707
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	003	149708
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	004	149709
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	007	149712
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	008	149713
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land N	001	149763
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land N	002	149764
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land N	003	149765
Tulip Industries, Inc.	Monroe	M	Ball N	001	149855
Tulip Industries, Inc.	Monroe	M	Ball N	002	149856
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land N	004	150136
Tulip Industries, Inc.	Monroe	M	Tensas Delta Land N	005	150137
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	009	150266
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	010	150267
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A021	150271
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A022	150272
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A023	150273
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	A024	150274
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 13	001	150296
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 13	002	150297
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 24	003	150298
Tulip Industries, Inc.	Monroe	M	Ball	N-98	152002

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Ball	N-99	152050
Tulip Industries, Inc.	Monroe	M	Ball	N-100	152389
Tulip Industries, Inc.	Monroe	M	Ball	N-101	152390
Tulip Industries, Inc.	Monroe	M	Ball	N-102	152391
Tulip Industries, Inc.	Monroe	M	Ball	N-103	152392
Tulip Industries, Inc.	Monroe	M	Ball	N-104	152483
Tulip Industries, Inc.	Monroe	M	Ball	N-105	152484
Tulip Industries, Inc.	Monroe	M	Ball	N-106	152485
Tulip Industries, Inc.	Monroe	M	Ball	N-107	152486
Tulip Industries, Inc.	Monroe	M	Ball	N-108	152528
Tulip Industries, Inc.	Monroe	M	Ball	N-109	152529
Tulip Industries, Inc.	Monroe	M	Ball	N-110	152530
Tulip Industries, Inc.	Monroe	M	Ball	N-111	152531
Tulip Industries, Inc.	Monroe	M	Ball	N-112	152532
Tulip Industries, Inc.	Monroe	M	Ball	N-113	152533
Tulip Industries, Inc.	Monroe	M	Ball	N-114	152534
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-98	152735
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-104	152736
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-105	152737
Tulip Industries, Inc.	Monroe	M	Ball	N-156	152820
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-96	153077
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-99	153078
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-100	153079
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-101	153080
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-102	153081
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-103	153082
Tulip Industries, Inc.	Monroe	M	Ball	N-115	153124
Tulip Industries, Inc.	Monroe	M	Ball	N-116	153125
Tulip Industries, Inc.	Monroe	M	Ball	N-118	153145
Tulip Industries, Inc.	Monroe	M	Ball	N-119	153146
Tulip Industries, Inc.	Monroe	M	Ball	N-120	153147
Tulip Industries, Inc.	Monroe	M	Ball	N-121	153230
Tulip Industries, Inc.	Monroe	M	Ball	N-122	153231
Tulip Industries, Inc.	Monroe	M	Ball	N-123	153232
Tulip Industries, Inc.	Monroe	M	Ball	N-125	153257
Tulip Industries, Inc.	Monroe	M	Ball	N-126	153258

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Ball	N-127	153259
Tulip Industries, Inc.	Monroe	M	Ball	N-117	153278
Tulip Industries, Inc.	Monroe	M	Ball	N-128	153279
Tulip Industries, Inc.	Monroe	M	Ball	N-129	153280
Tulip Industries, Inc.	Monroe	M	Ball	N-130	153339
Tulip Industries, Inc.	Monroe	M	Ball	N-132	153450
Tulip Industries, Inc.	Monroe	M	Ball	N-134	153453
Tulip Industries, Inc.	Monroe	M	Ball	N-135	153454
Tulip Industries, Inc.	Monroe	M	Ball	N-136	153502
Tulip Industries, Inc.	Monroe	M	Ball	N-131	153722
Tulip Industries, Inc.	Monroe	M	Ball	N-138	153790
Tulip Industries, Inc.	Monroe	M	Ball	N-139	153791
Tulip Industries, Inc.	Monroe	M	Ball	N-141	153894
Tulip Industries, Inc.	Monroe	M	Ball G	003	154022
Tulip Industries, Inc.	Monroe	M	J W Perry	002	157156
Tulip Industries, Inc.	Monroe	M	Crossett	001	157321
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	022	157349
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	021	157384
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	024	158932
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-3	160196
Tulip Industries, Inc.	Monroe	M	G P	001	160386
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-106	160419
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-107	160420
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-108	160421
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-109	160422
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-110	160499
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-111	160500
Tulip Industries, Inc.	Monroe	M	J W Perry	003	160881
Tulip Industries, Inc.	Monroe	M	Ball	N-96	161053

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	027	161250
Tulip Industries, Inc.	Monroe	M	Mrs Cherrie Bernstein et al	028	161251
Tulip Industries, Inc.	Monroe	M	Matthews	001	162032
Tulip Industries, Inc.	Monroe	M	Katie C Smith	001	162034
Tulip Industries, Inc.	Monroe	M	G A McCormick	001	162057
Tulip Industries, Inc.	Monroe	M	Rea & Green	002	162115
Tulip Industries, Inc.	Monroe	M	A H Johnson	001	162222
Tulip Industries, Inc.	Monroe	M	Doughtie Hotel	001	162288
Tulip Industries, Inc.	Monroe	M	J W B Roberson	001	162499
Tulip Industries, Inc.	Monroe	M	Ouachita Fertilizer swd	007	163351
Tulip Industries, Inc.	Monroe	M	Rea & Green	001	164121
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-5	164842
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-6	164843
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-7	164844
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-316	164863
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-317	164864
Tulip Industries, Inc.	Monroe	M	Ball	N-258	165467
Tulip Industries, Inc.	Monroe	M	J A Smith	001	165985
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-321	169638
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-323	169639
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-325	169724
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-326	169725
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-324	169768
Tulip Industries, Inc.	Monroe	M	J 2 Ranch	007	171639
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 11	001	173598
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 11	002	173599
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 11	003	173600
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 11	004	173601
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 12	001	175351

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 12	002	175514
Tulip Industries, Inc.	Monroe	M	Georgia Pacific 12	003	175515
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-340	176454
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-341	176455
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-344	176456
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-345	176457
Tulip Industries, Inc.	Monroe	M	J 2 Ranch B	001	177667
Tulip Industries, Inc.	Monroe	M	J 2 Ranch B	002	177668
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-9	177998
Tulip Industries, Inc.	Monroe	M	Georgia Pacific	019-10	177999
Tulip Industries, Inc.	Monroe	M	J 2 Ranch B	004	178229
Tulip Industries, Inc.	Monroe	M	J A Smith	002	179016
Tulip Industries, Inc.	Monroe	M	G A McCormick	002	183807
Tulip Industries, Inc.	Monroe	M	A H Johnson	002	183824
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-355	192211
Tulip Industries, Inc.	Monroe	M	Tensas Delta	F-356	192212
Tulip Industries, Inc.	Monroe	M	Tensas Delta D	001	201679
Tulip Industries, Inc.	Monroe	M	Tensas Delta D	002	201680
Tulip Industries, Inc.	Monroe	M	Tensas Delta D	003	203678
Tulip Industries, Inc.	Monroe	M	Tensas Delta D	004	203679
Tulip Industries, Inc.	Monroe	M	Tensas Delta D	011	204278
Tulip Industries, Inc.	Monroe	M	Ball	N314	206471
Tulip Industries, Inc.	Monroe	M	Ball	N315	206472
Tulip Industries, Inc.	Monroe	M	Ball	N316	206473
Tulip Industries, Inc.	Monroe	M	Ball	001	206591
Tulip Industries, Inc.	Monroe	M	Ball	002	206592
Tulip Industries, Inc.	Monroe	M	Ball	003	206593
Tulip Industries, Inc.	Monroe	M	Ball	004	206622
Tulip Industries, Inc.	Monroe	M	Ball	005	206722
Tulip Industries, Inc.	Monroe	M	Ball	006	206723
Tulip Industries, Inc.	Monroe	M	Ball	008	206724
Tulip Industries, Inc.	Monroe	M	Ball	007	206741
Tulip Industries, Inc.	Monroe	M	Ball	N317	206786

Operator	Field	District	Well Name	Well Number	Serial Number
Tulip Industries, Inc.	Monroe	M	Ball	N318	206787
Tulip Industries, Inc.	Monroe	M	Ball	009	206842
Tulip Industries, Inc.	Monroe	M	Mercer et al	001	207124
Tulip Industries, Inc.	Monroe	M	Mercer et al	003	209187
Tulip Industries, Inc.	Monroe	M	Ball	N319	209904
Tulip Industries, Inc.	Monroe	M	swd	002	970222
Tulip Industries, Inc.	Monroe	M	Georgia Pacific swd	001	970729

Monique M. Edwards
Commissioner

2402#014

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Mileage Update

Pursuant to R.S. 23:1203(D), effective January 1, 2024 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—\$0.67 per mile

This information updates R.S. 23:1203 of the Louisiana Workers Compensation Act.

Tavares A. Walker
Deputy Assistant Secretary

2402#009

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