

CONTENTS

I. EXECUTIVE ORDERS

EWE 84-25—Create Learning Advisory Commission	725
EWE 84-26—Create Economic Development Commission	725
EWE 84-27—Create Water Resources Advisory Committee	725
EWE 84-28—Create Task Force on Louisiana Geological Survey	726
EWE 84-29—Establish Board of Commissioners for the Promotion of Uniformity of Legislation in the United States	726
EWE 84-30—Leave Record Establishment and Regulations	727

II. EMERGENCY RULES

Agriculture Department:	
State Entomologist—Apiary quarantine in St. Mary, Iberia, Lafayette, St. Martin and Vermilion Parishes	729
Commerce Department:	
Racing Commission—Glass beverage containers	730
Mandatory penalties	730
Health and Human Resources Department:	
Office of Family Security—AFDC Rules	730
Amend “Standard Utility Allowance for Food Program”	731
Title XIX Medical Assistance Program	731
Treasury Department:	
Deferred Compensation Commission—Public Employees Deferred Compensation Plan	732

III. RULES

Agriculture Department:	
Seed Commission—Certified seed regulations	737
Commerce Department:	
Board of Architectural Examiners—Comprehensive rules	737
Office of Commerce and Industry—Local economic development support fund	741
Office of Financial Institutions—Securities regulation rule 1	742
Education Department:	
Board of Elementary and Secondary Education—Date on federal and state budget request; Personnel evaluation accountability plan; Policy on superintendent designated appointing authority; Business English curriculum guide	744
Environmental Quality Department:	
Office of the Secretary—Water quality standards	745
Governor’s Office:	
Division of Administration—Louisiana Office of Women’s Business Enterprise, rules and regulations	790
Health and Human Resources Department:	
Board of Examiners of Psychologists—Ethical standards	791
Renewal of lapsed licenses	795
Board of Pharmacy—Section 27, institutional pharmacy; Section 29, computer regulation; Section 30, nuclear pharmacy	795
Office of Family Security—Hospital reimbursements	802
Kangaroo pump	802
Office of Preventive and Public Health Services—Sanitary Code	802
Labor Department:	
Board of Barber Examiners—Permit fees	803
Pets	803
Reciprocity application fee	803
Public Safety and Corrections Department:	
Corrections Services—Correspondence and packages	803
Office of State Police—Explosives	803
Revenue and Taxation Department:	
Income and Corporation Franchise Taxes Section—Claims for offset	804
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Education requirements	804
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Equalize benefits for active and retired employees	805
Declaring and filling vacancies	805

This public document was published at a total cost of \$8,902.79. 1,450 copies of this public document were published in this monthly printing at a cost of \$4,131.71. The total cost of all printings of this document including reprints is \$8,902.79. This document was published by Moran Colorgraphic, 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under authority of R.S. 49:951-968. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

IV NOTICES OF INTENT

Commerce Department:	
Racing Commission—Mandatory penalties	806
Glass beverage containers	806
Education Department:	
Board of Elementary and Secondary Education—Advanced sick leave; Elective courses; Bulletin 741; Credit for National Guard service; Bulletin 746; High school athletic scholastic requirement; Policy on student activities; Requirements for teachers of computer literacy and computer science; textbooks	807
Environmental Quality Department:	
Office of Air Quality and Nuclear Energy—Air quality division fee system	811
NSPS regulations	812
Nuclear energy fee schedule	812
Revise Section 22.0	813
Office of Solid and Hazardous Waste—Chapter 25: fee schedules	814
Governor’s Office:	
Office of Elderly Affairs—Monthly meeting requirement deleted	814
Simple majority required for quorum	815
Health and Human Resources Department:	
Board of Examiners for Nursing Home Administration—Nursing home rules and regulations	815
Board of Examiners for Speech Pathology and Audiology—Intern rule	816
Board of Pharmacy—Section 22, prohibiting deceptive, false, misleading advertising	816
Office of Family Security—AFDC/GA need standard increase	817
Civil penalties for provider fraud	818
DEFRA changes	819
Extended Medicaid when AFDC eligibility is lost; Medicaid eligibility for first-time pregnant women; Medicaid coverage for women in two-parent families; Number III—deemed medicaid eligibility for children born to women who are medicaid eligible; “Ribicoff” children; Six-month disregard of SSI/SSA lump sum payment	820
Food stamp standard utility allowance	822
LTC reservation during admission to a psychiatric hospital	823
Leave days for recipients in ICFs/H	824
Mandatory assignment of medical support/third party resources	825
Medical transportation program changes	825
Physician recertification for recipients in SNFs and ICFs	827
Reimbursement charges for clinical diagnostic laboratory services	827
SSI maximum countable resource limit	828
Office of Preventive and Public Health Services—Fish sausage regulations	829
Louisiana Tumor Registry	829
Labor Department:	
Office of Labor—Job training partnership act (JTPA) program	832
Revenue and Taxation Department:	
Excise Taxes Section—Retail alcohol beverage tax	833
State Department:	
Elections Integrity Commission—Policy and procedural guidelines	836
Treasury Department:	
Deferred Compensation Commission—Louisiana public employees deferred compensation plan	837
Urban and Community Affairs Department:	
Office of Planning and technical assistance—LCDBG	838

V. COMMITTEE REPORTS

Environmental Quality Department:	
Office of Air Quality—Defining period of excess emissions	838
Office of the Secretary—Water quality standards	838
Natural Resources Department:	
Office of Conservation—Statewide order 29-B	839
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Add oyster leases to reservation	839
Bag limits, seasons, migratory birds other than waterfowl	839
Oyster lease application requirements	839
Oyster season, Calcasieu Lake	839
Seafood Promotion and Marketing Board	839
Trapping season, 1984-85	839

VI POTPOURRI

Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims	840

Executive Orders

EXECUTIVE ORDER EWE 84-25

WHEREAS, a comprehensive program to provide quality education for the citizens of the state of Louisiana is an integral component of the economic development of the state and to the social well-being of its citizens; and

WHEREAS, it is necessary to take a complete overview of both the current and historical aspects of the state's existing educational programs before new programs are formulated and implemented; and

WHEREAS, after evaluating the current position of education in the state, it is essential to implement a plan for the future which retains those aspects of existing programs which have proved successful and reforms those which need improvement; and

WHEREAS, the state of Louisiana, in partnership with the people it serves, encourages the active involvement and renewed commitment of each person affected by the educational system to share responsibility for providing quality education;

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

SECTION 1: The Learning Advisory Commission is hereby created in the Office of the Governor.

SECTION 2: The commission shall be composed of the following members:

a. One representative of the office of the governor, to be appointed by the governor.

b. The chairman of the House Committee on Education, or his designee.

c. The chairman of the Senate Committee on Education, or his designee.

d. Such other members to represent education, business and industry, labor, and other relevant segments of the public and private sectors of the state as the governor deems appropriate, each of whom shall be appointed by the governor.

SECTION 3: Each member of the commission shall serve at the pleasure of the governor. The governor shall designate one member of the commission to serve as chairman at the pleasure of the governor. The members of the commission may elect such other officers as is deemed necessary.

SECTION 4: The duties of the commission are to:

a. Study the state's existing educational programs and problems and to provide background research and an analysis of the state of education in Louisiana and how it developed.

b. Assist the governor and the legislature in setting goals to be achieved through the implementation of the state's comprehensive quality education program.

c. Provide a forum for the exchange of information and ideas concerning the quality of existing educational programs as well as new programs.

d. Seek ways to increase active parental involvement in each educational program.

e. Recommend to and advise the governor and the legislature on new policies and programs to be implemented in the state.

f. Act as a policy making body to establish and ensure the continuing and future success of quality education in this state.

SECTION 5: The commission shall meet at least quarterly and at other times on call of the chairman. The commission shall promulgate rules and regulations or by-laws to govern its meetings and shall fix the time and place at which meetings shall be held. A majority of the members shall constitute a quorum for transacting

business. An action of the commission shall be approved by the affirmative vote of a majority of the members present.

SECTION 6: No member of the commission, other than a legislator serving as a member, shall receive compensation for his services pursuant to this order, but shall be reimbursed for actual expenses in accordance with regulations of the Division of Administration. A legislator serving as a member of the commission shall receive a per diem in accordance with law.

SECTION 7: The commission may hire such staff as is necessary to carry out its duties, at the discretion and with the approval of the governor.

SECTION 8: The commission is authorized to accept and to utilize or expend any donations, grants, appropriations, or contributions of funds, services, supplies, or the like from public or private sources to carry out its duties. The commission shall prepare a budget to enable it to implement its duties.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of September, 1984.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 84-26

Executive Order No. EWE 84-10, creating the Governor's Economic Development Commission, issued on July 25, 1984, is hereby amended to add as an ex-officio member of the commission Lieutenant Governor Robert L. Freeman.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 12th day of September, 1984.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER NO. EWE 84-27

WHEREAS, Louisiana has been blessed with abundant water resources in the form of groundwater and surface water; and

WHEREAS, the orderly development and protection of these water resources is of great ecological and economical importance to the citizens of Louisiana; and

WHEREAS, there has been considerable progress by the Louisiana Department of Transportation and Development, office of public works, working with the former Louisiana Water Resources Study Commission, in inventorying available water, projecting future needs, identifying problem areas, preparing a comprehensive assessment of water resources and relevant laws in the state, and in recommending water policies for the State of Louisiana; and

WHEREAS, much work remains in the area of implementation of solutions to problems identified in previous efforts, and in the area of implementation of water policy recommendations; and

WHEREAS, Act No. 625 of the 1983 Regular Session of the Legislature authorizes the Louisiana Department of Transportation and Development, office of public works, to pursue the planning and implementation of programs for the orderly development of Louisiana's water resources;

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

SECTION 1: The Water Resources Advisory Committee is hereby created in the Department of Transportation and Development, office of public works.

SECTION 2: The committee shall be composed of:

a. The secretary of each of the following departments, or his designee:

- (1) The Department of Agriculture.
- (2) The Department of Commerce.
- (3) The Department of Culture, Recreation and Tourism.
- (4) The Department of Health and Human Resources.
- (5) The Department of Environmental Quality.
- (6) The Department of Natural Resources.
- (7) The Department of Transportation and Development.
- (8) The Department of Wildlife and Fisheries.

b. The executive director of the Louisiana State Planning Office or his designee.

c. The president, chairman of the board, or executive director of the following groups, or his designee:

- (1) The Louisiana Association of Business and Industry.
- (2) The Louisiana Chemical Association.
- (3) The Louisiana Engineering Society.
- (4) The Louisiana Wildlife Federation.
- (5) The Louisiana Farm Bureau Federation.
- (6) The Louisiana Forestry Association.
- (7) The Louisiana-Arkansas Division, Mid-Continent, Oil and Gas.
- (8) The Louisiana Priorities for the Future.
- (9) The Louisiana Municipal Association.
- (10) The Louisiana Police Jury Association.
- (11) The Board of Regents.

SECTION 3: The governor shall designate one member of the committee to serve as chairman. The committee may elect such other officers as are deemed necessary.

SECTION 4: The commission shall advise the Department of Transportation and Development, office of public works, in the formulation of a water management plan for the development and protection of Louisiana's water resources and for the implementation of policies recommended by the Louisiana Water Resources Study Commission.

SECTION 5: The committee shall meet at the call of the chairman of the committee, the secretary of the Department of Transportation and Development, the assistant secretary of the office of public works, or their designated representative.

SECTION 6: The committee is authorized to use the staff, services, and facilities of the Department of Transportation and Development to carry out its duties and may use such other personnel, counsel, and facilities as may be obtained from any other public or private source. The committee further is authorized to accept and to expend or otherwise utilize grants, donations, appropriations, or contributions of money from any public or private source to fulfill the purposes of this order.

SECTION 7: No member of the committee shall receive a per diem or other compensation for his services. Each member shall be reimbursed for his actual expenses incurred in the performance of his duties hereunder in accordance with the rules and regulations of the Division of Administration.

SECTION 8: This order shall remain in effect until modi-

fied, amended, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 20th day of September, 1984.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 84-28

Executive Order No. EWE - 84-15, creating the Governor's Task Force on Louisiana Geological Survey, is hereby amended to increase the membership from nine to thirteen.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 28th day of September, 1984.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER NO. EWE 84-29

WHEREAS, there are numerous subjects upon which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; and

WHEREAS, the first state commission for the promotion of uniformity of legislation was created in 1902 and the State of Louisiana, since that time, has been represented at each National Conference of Commissioners of Uniform State Laws, contributing each year to the support of that conference under its interstate compact programs; and

WHEREAS, it is of continuing importance to the citizens of this State that Louisiana participate in the National Conference of Commissioners of Uniform State Laws and actively examine the subjects upon which uniformity of legislation is desirable;

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

SECTION 1: The Board of Commissioners for the Promotion of Uniformity of Legislation in the United States is hereby established in the office of the governor.

SECTION 2: The board shall be composed of attorneys licensed to practice law in this state and/or members of the judiciary in the State of Louisiana, each of whom shall be appointed by the governor to serve at the pleasure of the governor.

SECTION 3: The duties of the board are to:

a. Examine the subjects upon which uniformity of legislation in the various states and territories of the union is desirable, but which are outside the jurisdiction of the Congress of the United States.

b. Consider and draft uniform laws to be submitted for the approval and adoption by the several states.

c. Devise and recommend such other courses of action as will accomplish uniformity of legislation.

d. Confer upon the above-mentioned recommendations with the commissioners appointed by other states and territories.

e. Keep a record of its transactions and make a report of its actions and recommendations of the governor and the legislature prior to each regular session of the legislature.

f. Represent the state at the National Conference of Commissioners on Uniform State Laws.

SECTION 4: No member of the board shall receive a per diem or other compensation for the performance of his duties pursuant to this order.

SECTION 5: This order shall remain in effect until amended, modified, or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 2nd day of October, 1984.

Edwin Edwards
Governor of Louisiana

ATTESTED BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER NO. EWE 84-30

LEAVE RECORD ESTABLISHMENT AND REGULATIONS

SECTION 1: The rules and policies established by this executive order are hereby declared applicable to all officers and employees in the state unclassified civil service, with the following exceptions:

1. Department secretaries, undersecretaries, deputy secretaries, and assistant secretaries.

2. Other officers of the state who are appointed by the governor and who must be confirmed by the Senate, except as provided in Section 3.1(a).

3. Elected officials, except as provided in Section 3.1(a).

4. Members of boards and commissions who are appointed by the governor or who are elected as members of the same, except as provided in Section 3.1(a).

5. Student employees, except as provided in Section 3.1(b).

6. Emergency, intermittent and seasonal employees.

7. Employees of a system that is authorized by the constitution or legislative act to manage and supervise its own system.

SECTION 2: Definitions.

As used in this order, except where the context clearly requires otherwise, the words and terms defined in this section shall have the meanings here given to them.

1.1 "Annual leave" means leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or the transaction of personal affairs.

1.2 "Appointing authority" means the agency, department, board, or commission, or the officers and employees thereof, which is authorized by statute or by lawfully delegated authority to make appointments to positions in the state service.

1.3 "Compensatory leave" means time credited for hours worked outside the regularly assigned work schedule.

1.4 "Intermittent employee" means a person employed who is not hired on a regularly scheduled basis.

1.5 "Leave of absence" without pay means leave or time off from work granted by the appointing authority, for which period the employee receives no pay.

1.6 "Sick leave" means leave with pay granted an employee for temporary disability, consultation or treatment.

1.7 "State service" for leave earning purposes shall include service in a state supported school, agency, or university; public parish school system; public student employment; and service as a member of a public board or commission.

1.8 The department heads and members of boards and commissions who are appointed by the governor and who are exempt under Section 1 from this order shall be defined as those department heads and other officers and members of boards and commissions who have received commissions which have been recorded with the secretary of state's office.

SECTION 2: Full-time Employees.

Each appointing authority shall establish administrative work weeks of not less than forty (40) hours per week for each full time employee.

SECTION 3: Earning of Annual and Sick Leave.

3.1 Annual and sick leave shall be earned by each full time and part-time employee who has a regular tour of duty. However, the following persons shall not earn leave of any nature:

(a) An elected official of the state or officer of any state agency, board or commission who is appointed by the governor.

(b) Student employees as defined under civil service rules.

3.2 The earning of such leave shall be based on the equivalent of years of full time state service and shall be creditable at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general schedule:

(a) Less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour sick leave for each hour of regular duty.

(b) Three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty.

(c) Five years but less than ten years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty.

(d) Ten years but less than fifteen years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty.

(e) Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

3.3 No unclassified employee shall be credited with annual leave or sick leave:

(a) For any overtime hour.

(b) For any hour of leave without pay.

(c) While he is on leave with or without pay, provided that such leave as is regularly earned during these periods shall be credited to him at the time he returns to active duty.

(d) For any hour in on-call status outside his regular duty hours.

(e) For any hour of travel or other activity outside his regular duty hours.

(f) For any hour of a holiday or other non-work day which occurs while he is on leave without pay.

SECTION 4: Carrying Leave Forward.

4.1 Accrued unused annual leave earned by an employee shall be carried forward to the succeeding calendar years without limitation.

4.2 Accrued unused sick leave earned by an employee shall be carried forward to the succeeding calendar years without limitation.

SECTION 5: Transfer of Annual and Sick Leave.

If an employee subject to this executive order transfers without a break in service, to another position covered by the other

leave rules, his accumulated annual and sick leave shall be forwarded to the department accepting him as an employee and shall be credited to him. The accepting department shall hold the annual and sick leave in abeyance or integrate the leave into its own system. The employee's accumulated leave shall not be reduced during such integration. An employee coming into a department covered by this order from a department not covered by this order shall have all accumulated annual and sick leave accredited to him.

SECTION 6: Use of Annual Leave.

6.1 Annual leave must be applied for by the employee and may be used only when approved by the appointing authority.

6.2 Annual leave shall not be charged for non-work days.

6.3 The minimum charge to annual leave records shall not be in increments of less than one half hour.

6.4 An appointing authority may require an employee who has sufficient annual leave to his credit to take annual leave whenever he feels it is best for the employee or the department. However, the employee shall not be required to reduce his accrued annual leave below the equivalent of fifteen (15) working days.

SECTION 7: Payment for Annual Leave Upon Separation.

7.1 Upon resignation, death, removal, or other final termination of employment of an unclassified employee, as specified in this order, annual leave accrued to his credit, up to a maximum of 300 hours, shall be paid to him in a lump sum, disregarding any final fraction of an hour. The payment shall be computed as follows:

(a) When an employee is paid on an hourly basis, multiply his regular hourly rate received at the time of termination by the number of hours of accrued annual leave, not to exceed 300 hours.

(b) When an employee is paid on a basis other than an hourly basis, determine his hourly rate by converting his salary received at the time of termination in accordance with the provisions in the uniform pay plan, to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave, not to exceed 300 hours.

7.2 If an unclassified employee who has been paid under this order for accumulated annual leave is re-employed in a classified or unclassified position, or if a classified employee who has been paid for accumulated leave under the civil service rules is reemployed in an unclassified position in leave earning status, he shall pay the department which re-employs him the value of such annual leave at the rate paid him less the value of working hours for which he had been paid which intervene between the last day worked and the date of re-employment and shall be given credit for the number of hours of annual leave for which he has made reimbursement.

7.3 Should an unclassified employee in leave earning status accept a position which is not in leave earning status, he shall be paid for unused accumulated annual leave only upon final termination of his services to the State of Louisiana.

SECTION 8: Use of Sick Leave.

8.1 Sick leave with pay may be taken by an employee who has sufficient leave to his credit for the following:

(a) Illness or injury which prevents him from performing his usual duties.

(b) Medical, dental, or optical consultation or treatment.

(c) The temporary disability due to maternity shall be treated as any other temporary disability.

8.2 Sick leave shall not be charged for non-work days.

8.3 The minimum charge to sick leave records shall not be in increments of less than one half hour.

8.4 In no instance shall an employee be paid for any accumulated sick leave left to an employee's credit at the time of termination from the unclassified service.

SECTION 9: Continuance of Annual and Sick Leave.

All annual leave accrued by an unclassified employee for which he is not paid upon being laid-off or upon resignation, and all sick leave remaining at separation shall again be credited if the individual is re-employed in the unclassified service within five years following the date of separation. This section shall apply only to a laid-off employee who is re-employed on or after January 1, 1972.

SECTION 10: Compensatory Leave.

10.1 An appointing authority may require an employee to work on a holiday or at any time he is not regularly required to be on duty. The appointing authority may permit, at its discretion, an employee to earn compensatory leave under these circumstances.

10.2 If the appointing authority permits the earning of compensatory leave, the amount of compensatory leave so earned shall be equal to the number of extra hours the employee is required to work.

10.3 If earned, compensatory leave shall be promptly credited to the employee and may, with the approval of the appointing authority, be used by him at a future time. Not more than forty-five working days, or the equivalent thereof in hours, of accrued unused compensatory leave shall be carried forward into any calendar year.

10.4 An appointing authority may require an employee to use his earned compensatory leave at any time.

10.5 Compensatory leave earned by an employee may be payable at the option of the appointing authority. In any such case, the employee shall be paid an amount equal to the number of hours of compensatory leave earned, multiplied by the employee's hourly rate of pay at the time the leave was earned.

SECTION 11: Civil, Emergency, and Special Leave.

11.1 An employee shall be given time off without loss of pay, annual leave or sick leave when:

(a) Performing jury duty.

(b) Summoned to appear as a witness before a court, grand jury, or other public body or commission.

(c) Performing emergency civilian duty in relation to national defense.

(d) His appointing authority determines that he is prevented by an act of God from performing duty.

(e) Voting in a primary, general, or special election which falls on his scheduled work day, provided not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish outside the one where he is employed.

(f) Participating in a state civil service examination on a regular work day, or taking a required examination pertinent to the examinee's state employment before a state licensing board.

(g) The appointing authority determines that because of local conditions or celebrations, it is impracticable for his employees in such locality to work.

(h) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

(i) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.

(j) Engaged in the representation of a client in a civil or criminal proceeding pursuant to an order of a court of competent jurisdiction. However, if compensation for such services is available from another source, he may not accept the special leave and the compensation.

(k) The employee is a current member of Civil Air Patrol and incident to such membership is ordered to perform duty with

troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

SECTION 12: Military Leave.

12.1 An employee who is a member of a reserve component of the armed forces of the United States or the National Guard shall be granted leave of absence from his positions, without loss of pay, time, annual or sick leave, when ordered to active duty for field training or training authorized in lieu thereof, when the individual is given constructive credit for such training, for periods not to exceed fifteen (15) working days in any calendar year; provided that an appointing authority may grant an employee annual leave or leave without pay or both, in accordance with other provisions of this order, for such periods which exceed fifteen (15) working days in any calendar year.

12.2 An employee who is inducted or ordered to active duty to fulfill his reserve obligations or who is ordered to active duty in connection with reserve activities for indefinite periods or for periods in excess of his annual field training is eligible for the leave with pay as provided in Section 12.1.

SECTION 13: Other Leave.

13.1 Workmen's Compensation Payments - Optional Leave with Pay.

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation, he may, at his option, use sick and annual leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary.

13.2 Law Enforcement - On Duty Disability.

When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the commissioner of administration, grant such disabled employee leave of absence with full pay during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his department all amounts received by him as workmen's compensation benefits.

13.3 Funeral Leave.

An employee may be given time off without loss of pay, annual leave, or sick leave, when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity, affinity being defined as the relationship by marriage between an employee and his spouse's blood relatives, provided such time off shall not exceed two days for any one occasion. Relatives within the fourth degree of relationship for purposes of this section include the following:

Mother	Grandchild	Nephew
Father	Great Grandchild	Grand Nephew
Grandmother	Brother	Niece
Grandfather	Sister	Grand Niece
Great Grandmother	Uncle	Great Uncle
Great Grandfather	Aunt	Great Aunt
Child	Cousin	

13.4 Educational Leave.

(a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.

(b) Educational leave with pay may be granted an employee for a maximum of thirty calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his department. However, an employee may be granted such leave for a maximum of ninety calendar days in one

calendar year if his employing department required him to take special training.

(c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

13.5 Leave of Absence Without Pay.

(a) An appointing authority may extend leave of absence without pay to an employee for a period or periods not to exceed one year, provided that such leave shall not prolong the period of his appointment.

(b) If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position.

(c) An appointing authority, on its own initiative or at the request of the employee, may curtail a period of leave of absence without pay extended to an employee, provided such curtailment is for the best interest of the state service and reasonable and proper notice thereof is furnished to the employee.

SECTION 14: Holidays.

Holidays shall be observed as provided by R.S. 1:55(B) and by any proclamation issued by the governor.

SECTION 15: Record Keeping.

Daily attendance and leave records must be maintained for each unclassified employee eligible to accrue annual and sick leave. These records shall conform to the same requirements as established by the Department of Civil Service.

SECTION 16: Officers and Employees to Observe the Rules Prescribed.

It shall be the duty of each officer and employee in each department and other agency headed by an elected official and each officer appointed by a board, commission or by the governor, to conform to, and in all proper ways, to aid in carrying into effect the provisions of this order.

SECTION 17: The provisions of this order shall be effective on September 3, 1984, and shall remain in effect until amended, modified or rescinded by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the city of Baton Rouge, on this 2nd day of October, 1984.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY AND

TERMINATION OF EMERGENCY

Dated August 23, 1984

Department of Agriculture

State Entomologist

In accordance with the emergency provisions of LRS 49:953 B, the Administrative Procedure Act, and the authority of the State Entomologist under the provisions of LRS 3:2302, no-

tice is hereby given that the Department of Agriculture State Entomologist has confirmed the presence of the highly contagious Acarine mite in the State of Louisiana and the mite's presence has created an emergency situation affecting the apiary industry.

In order to protect the apiary industry, the State Entomologist imposed on August 23, 1984, a quarantine against any and all movement of restricted material within or out of the following parishes: Iberia, St. Mary, St. Martin, Vermilion, Lafayette.

Extensive sampling and testing have confirmed the mite's presence in only certain specified areas, and therefore, the emergency declared on August 23, 1984, is hereby terminated.

Confirmation of the precise location of the Acarine mites resulted from the extensive sampling and testing and establishes the need for a new and more geographically restricted quarantine area. In order to protect the apiary industry, the State Entomologist hereby imposes a new quarantine against any and all movement of restricted material within or out of the following areas:

Iberia Parish: That portion of the parish lying west of the west shoreline of Lake Fausse Pointe excepting the island of Marsh Island.

Lafayette Parish: Those portions of T. 11 and 12 S., R. 5 E.; and the east one-third of T. 11 S., R. 4 E. lying in Lafayette Parish.

St. Martin Parish: That portion of the parish lying south of the north boundary of T. 11 S. and west of Highway 31.

Vermilion Parish: T. 13 S., R. 4 E.; those portions of T. 13, 12, and 11 S., R. 5 E. lying in the parish; the east one-third of T. 12 S., R. 4 E., and that portion of the east one-third of T. 11 S., R. 4 E. lying in the parish.

Restricted articles include colonies of bees, nuclei, comb or combless packages of bees, queens, used or second hand beekeeping fixtures or equipment and anything that has been used in operating an apiary.

Under the authority of LRS 3:2303, the State Entomologist, his agents and employees shall inspect for the purpose of ascertaining if any bees are infected with Acarine mites and may require destruction of any bees or beekeeping fixtures or equipment that may be infected.

To protect the Louisiana apiary industry against Acarine mites, the State Entomologist will adopt permanent rules relating to quarantine in accordance with the rulemaking procedures set forth in LRS 49:950, et seq.

Bob Odom
Commissioner of Agriculture

John W. Impson
State Entomologist

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Amend Rule LAC 11-6:23.27 [Renumbered LAC 35:5753] to read:

"The operation shall be conducted so that all persons who patronize the respective tracks shall be satisfactorily served. Food, beverages (both alcoholic and nonalcoholic), tobacco and other generally related items may be available for sale to the patrons of the various tracks on each day that racing is conducted under the license, permit, or privilege granted by the Commission. Concessionaries vending any liquid refreshments shall not permit the surrender of glass containers to customers except in appropriate areas as designated by the association."

Patrick C. McGinity
Secretary

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

PROPOSED RULE

"Any permittee of this Commission who has violated any medication rule at least three times, the third time being after October 1, 1984, shall be suspended for a period of five years and denied access to all race tracks under the jurisdiction of the Commission. The foregoing does not apply to violations of the pre-race testing rule or a violation of the medication rules when the drug found is classified solely as an anti-inflammatory agent or as a bleeder medication."

Patrick C. McGinity
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rules in the Aid to Families with Dependent Children (AFDC) Program. These rules will be effective October 1, 1984 as mandated by the Deficit Reduction Act of 1984 (P.L. 98-369).

RULES

I. *Gross Income Limitation*

The gross income limitation shall be increased to 185 percent of the state's standard of need.

II. *Work Expense Deduction*

The first \$75 of monthly earnings for full and part-time employment shall be disregarded.

III. *Extension of \$30 Disregard*

The \$30 disregard shall be applied for the first 12 consecutive months in excess of the standard work expense \$75 and dependent care disregards.

IV. *Extension of Medicaid/Work Transition Status*

A work transition period which provides Medicaid coverage for nine months to families who lose eligibility for AFDC because of the termination of the one-third disregard shall be established.

Families who have been terminated from AFDC prior to October 1, 1984, because of the loss of the \$30 plus one-third disregard also are eligible for the work transition status and Medicaid, but must disclose any private health insurance coverage at the time of application, must apply within six months from the date regulations become final, and must have been continuously eligible for AFDC if the \$30 and one-third disregard had been applied.

V. *Exclusion of Burial Plots, Funeral Agreements, and Certain Property From Resource Test*

One burial plot and one funeral agreement per family member shall be exempt from the AFDC resource limitation. Real property which the family is making a good faith effort to sell also shall be exempt for nine months.

VI. *Monthly Reporting*

The following characteristics have been revised or added to this list of characteristics which determine which AFDC and Refugee Resettlement Case households will be included in monthly reporting:

- (1) When stepparents income is budgeted
- (2) When income is deemed from parents to a minor unmarried mother.

Certifications in which deprivation is based on incapacity (AFDC only) shall be removed as a characteristic.

VII. *Treatment of Earned Income Tax Credit*

Earned Income Tax Credit shall be counted as income only when actually received.

VIII. *Work and Training Requirements For Pregnant Women*

Any woman beginning from the sixth month of pregnancy shall be exempt from the work registration requirement.

IX. *Recalculate Lump Sum Income In Certain Circumstances*

The period of ineligibility based on lump sum income may be recalculated when one or more of the following applies:

(1) As a result of yearly increases in the Need Standard, action to adjust the period of ineligibility as a result of Need Standard increases is required only if the former recipient reapplies for assistance during the period of ineligibility.

(2) Life threatening circumstances arise prior to its expiration which require the assistance unit to expend all or part of the lump sum income in meeting the expenses related to such circumstances.

(3) The lump sum or a portion of the lump sum becomes unavailable as a result of circumstances beyond the client's control, such as verified loss or theft, or the person who received the lump sum leaves the home and makes the money unavailable to the remaining assistance unit.

X. *Overpayment Recoupment*

Recovery of an overpayment will be waived when it can be reasonably assumed that the cost to collect the overpayment will exceed the amount owed. Overpayments of less than \$35 to former recipients will automatically be waived.

XI. *Protective Payments*

Protective payments may be made to a sanctioned individual who is not in compliance with work program or certain child support requirements.

Protective payments may be made to the sanctioned individual only if, after all reasonable efforts have been made, the OFS is unable to identify a suitable protective payee, and prolonging the search may prove detrimental to the child's well-being.

XII. *Eligibility Requirements For Aliens*

An alien is ineligible for benefits, for three years from date of entry into the U.S., when an agency or organization has executed an affidavit of support as a sponsor for that alien's entry into the U.S., unless the OFS determines that the sponsoring agency or organization is no longer in existence, or that it does not have the financial ability to meet the alien's needs.

XIII. *Information With Respect To Fugitive Felons*

OFS may disclose, to state and local law enforcement officers, the current address of any AFDC recipients who are fugitive felons if the law enforcement officer gives the agency the recipient's name and social security number and satisfactorily demonstrates that the recipient is a fugitive felon.

XIV. *Standard Filing Unit and Child Support Disregard*

Parents and all minor siblings living with a dependent child who applies for or receives AFDC shall be included in the filing unit. SSI recipients, stepbrothers and stepsisters are excluded from this requirement. In addition, if a minor who is living in the same home as his/her parents applies for aid as the parent of a needy child, the income of the minor's parents will be counted as available to the filing unit (after applying the same disregards as are applied to the income of stepparents). In addition, the provision establishes a monthly disregard of \$50 of child support received by a family. The disregard is applied both at eligibility determination and at benefit calculation.

XV. *Earned Income of Full-time Students*

For purposes of applying the gross income limitation, the earned income of an AFDC child who is a full-time student may be disregarded under the same limitations with respect to amounts and period of time (not to exceed six months) as are applied in the case of dependent children who participate in a program under the Job Training Partnership Act.

It is necessary to adopt this Emergency Rule to allow for timely implementation of the Deficit Reduction Act of 1984 (P.L. 98-369).

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Food Stamp Program. The rule entitled "Standard Utility Allowance for the Food Program" which was published in the *Louisiana Register* of January 20, 1984, Volume 10, Number 1, Page 9 is hereby amended.

RULE

Effective October 1, 1984, the standard utility allowance in the Food Stamp Program shall be \$161.

It is necessary to adopt the Emergency Rule to avoid the imminent peril to the health and welfare of recipients because without this change current and potential recipients could not benefit from the standard utility allowance increasing from \$145 to \$161.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to adopt the following policy in the Title XIX Medical Assistance Program.

RULE

Effective October 1, 1984, the following changes will be adopted in the Medical Transportation Program.

1. Title XIX recipients may choose the Title XIX certified transportation provider in their service area to provide medical transportation services for them. If the recipient does not make a choice, then the Office of Family Security will assign the least expensive transportation suitable to meet his/her needs. If there is no difference in cost and no choice of providers, recipients will be assigned on a rotating basis to available providers.

2. The Medical Assistance Program will no longer pay for the transport of an attendant for a Title XIX recipient. Transportation providers are expected to transport an attendant at no charge to the Program.

3. Providers shall complete an annual update form by January 1 of each year. The completion of the form will be a condition of participation in the Program.

4. All providers, except those who provide services for only one recipient, are required to have minimum liability insurance

coverage of \$50,000 per person and \$125,000 per accident. A Certificate of Insurance will be filed with the State Office of Family Security. The certificate must indicate that the office of Family Security, at Box 44065, Baton Rouge, La. 70804 will be notified immediately if the insurance policy is cancelled.

5. All drivers, except those who provide services for one individual must have:

- a. A Chauffeur's License
- b. Completed an approved defensive driving course
- c. Completed an approved basic first aid course

Each provider must provide a signed statement to the effect that all drivers meet the above requirements.

6. All vehicles except those providing services for one recipient must contain a basic first aid kit and fire extinguisher. Each provider must provide a signed statement that his vehicles are equipped with these items.

7. Vehicles designed to provide services for non-ambulatory recipients must be equipped with:

- a. A wheelchair lift, manual or
- b. A wheelchair lift, hydraulic or
- c. A wheelchair ramp with toe cleats which must be 28" wide

d. Appropriate wheelchair restraints such as locks or wells or tie downs.

e. Stretcher (optional) - non-ambulatory vehicles are not required to carry stretchers. However, if they carry one, the vehicle must have the appropriate locks or tie downs for the stretcher.

Each provider must provide a statement that his vehicles are equipped with these items if he intends to provide services for non-ambulatory patients.

8. Vehicles, except those that provide services for one recipient, will be inspected prior to Certification and annually to determine if they contain the required equipment.

9. Definitions

a. A non-ambulatory recipient is considered to be any person who requires the use of a wheelchair to be transported to the vehicle and from the vehicle to the office of the medical provider. This also includes recipients who require the use of a stretcher while being transported in a non-ambulance vehicle.

b. An ambulatory recipient is any individual who does not fit the description of a non-ambulatory recipient.

10. All transportation providers shall execute a Hold Harmless Agreement in favor of the state. A copy of this document must be made available to the State Office of Family Security and is a condition for participation in the Program.

11. Complaint Procedure

a. Any person having knowledge that the quality of service provided by a transportation company is sub-standard and potentially detrimental to the welfare of the Title XIX recipient may make a complaint to the Office of Family Security orally or in writing.

b. When a complaint is received, the parish Office of Family Security will obtain as much factual information about the complaint as possible and forward the findings to state office, Attention: SUR/S Unit, Medical Assistance Program.

c. Where grounds for investigation do exist, the complaint will be investigated within 30 days of its receipt and the parish office will receive a report of the results.

d. If the complaint is found to be valid, the State Office of Family Security will issue a plan for corrective action. If the situation presents a threat to the health and/or safety of Title XIX recipients being transported, the Office of Family Security may take immediate corrective action which may include suspension of the provider from the Program for an indefinite period of time.

e. Where violations continue to exist after corrective ac-

tion has been taken, the provider may be terminated from the Program.

12. Method of Payment

a. Payment for emergency medical transportation services is in the amount of the provider's rate for the service established by the Office of Family Security, minus the amount which any third party coverage would pay for that provider. Reimbursement for mileage is made for travel outside the provider's geographical base region. The Office of Family Security may, on a selective basis, require the ambulance provider to provide evidence of the appropriateness of the hospital to which the recipient was transported.

b. Payment for providers of non-emergency medical transportation services shall be at the provider's usual rate for such services as established by the Office of Family Security, minus the amount which any third party coverage would pay. In instances in which the provider has no usual rate for services, the reimbursement shall be based upon mileage traveled. The rate shall be the same rate as is paid state employees for the use of their personal vehicle for job-oriented activities.

13. Upon notification that a provider is in violation of any policy or standard applicable to the Medical Transportation Program, he will be given 30 days to provide proof of compliance or be terminated from the Program. Providers will have the right to appeal any decision by OFS which adversely affects the provider. Implementation of this Rule is dependent upon the approval of the Health Care Financing Association (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

A Federal Audit Target Area report which was made available to the Office of Family Security during May of 1984 suggested several changes to the non-emergency non-ambulance Transportation Program. These changes are being submitted as an Emergency Rule to avoid the possibility of federal sanctions at a later date.

This action is also necessary because:

1) A number of incidents have occurred in which wheelchair patients were injured while being transported. For the health and safety of these recipients, it was deemed necessary to establish standards immediately for vehicles carrying such patients and to require specific training for drivers.

2) The Office of Family Security requires more flexibility to be able to respond to the need for rate adjustments to assure that expenditures do not exceed the amount budgeted for the Medical Transportation Program.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of the Treasury Deferred Compensation Commission

The Deferred Compensation Commission has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to adopt the following rule, which rule is entitled "Louisiana Public Employees' Deferred Compensation Plan" and is a substitute for the "Louisiana Public Employees' Deferred Compensation Plan" in effect prior to October 1, 1984.

LOUISIANA PUBLIC EMPLOYEES' DEFERRED COMPENSATION PLAN

The Louisiana Public Employees' Deferred Compensation Plan (the "Plan") was adopted by the Louisiana Deferred Compensation Commission, effective September 15, 1982. The Plan was established in accordance with Louisiana Revised Statutes 42:1301 through 42:1308 and Section 457 of the Internal Reve-

nue Code of 1954, as amended for the purpose of providing supplemental retirement income to Employees and Independent Contractors by permitting such individuals to defer a portion of Compensation to be invested and distributed in accordance with the terms of the Plan.

Effective October 1, 1984, the Plan is hereby amended and restated in its entirety. The restated Plan shall supercede all plans and rules previously adopted in connection with the Louisiana Public Employees' Deferred Compensation Plan.

ARTICLE I DEFINITIONS

1. *Beneficiary* means the person or persons entitled to receive a deceased Participant's interest in Compensation deferred in accordance with the terms of the Plan.

2. *Code* means the Internal Revenue Code of 1954, as amended (or a successor statute).

3. *Commission* means the Louisiana Deferred Compensation Commission established in accordance with Louisiana Revised Statute 42:1302, which Commission shall be comprised of the State Treasurer, the Commissioner of Administration, the Commissioner of Insurance, the Commissioner of Financial Institutions, and three Participant members (elected by the Participants). The *Commission* also means the duly authorized designees of such individuals.

4. *Compensation* means all remuneration paid by the Employer to an Employee or Independent Contractor for services rendered for or on behalf of the Employer during the taxable year, which Compensation is includible in gross income, if not deferred pursuant to the Plan.

5. *Deferred Compensation* means the portion of a Participant's Compensation which such Participant and the Commission agree to defer pursuant to the terms of the Plan.

6. *Employee* means any individual, including an individual who is elected or appointed, providing personal services to the Employer; provided, however, that an Independent Contractor shall not be treated as an Employee.

7. *Employer* means the State of Louisiana, including any political subdivision of the state and any agency or instrumentality of the state or of a political subdivision of the state.

8. *Includible Compensation* means Compensation currently includible in gross income (reduced by Compensation excluded under Code Section 403(b), if any, and the Plan).

9. *Interest or Interest in Compensation Deferred Under the Plan* means the aggregate of (a) a Participant's Deferred Compensation for his or her entire period of participation in the Plan, and (b) the earnings or losses allocable to such amount; such Interest represents an accounting entry only and does not constitute an ownership interest in any specific fund or asset of the Employer.

10. *Investment Product* means any form of investment designated by the Commission for the purpose of receiving funds under the Plan.

11. *Independent Contractor* means an individual who is receiving (or has received) Compensation for services rendered to or on behalf of the Employer in accordance with a contract between such individual and the Employer.

12. *Normal Retirement Age* means the age designated by a Participant, which age shall be between (a) age 55 or the earliest date on which such participant is entitled to retire under the Louisiana State Employees' Retirement System, and (b) 70-1/2; provided, however, that if a Participant continues in the employ of the Employer beyond 70-1/2, *Normal Retirement Age* means the age at which the Participant Separates from Service.

13. *Participant* means an Employee or Independent Contractor who has executed an effective Deferral Authorization, pro-

vided such Employee or Independent Contractor has not received a complete distribution of his or her interest in Compensation deferred under the Plan.

14. *Pay Period* means a regular accounting period designated by the Employer for the purpose of measuring and paying Compensation earned by an Employee or Independent Contractor.

15. *Plan* means the Louisiana Public Employees' Deferred Compensation Plan established by this document and any applicable amendment.

16. *Separation From Service or Separates From Service* means, with respect to an Employee, the permanent severance of the employment relationship with the Employer on account of such Employee's (a) retirement, (b) discharge by the Employer, (c) resignation, (d) layoff (provided the Employee's reemployment rights attributable to the layoff, if any, have lapsed), or (e) in the case of an Employee who is an appointed or elected officer, the earlier of (i) the taking of the oath of office of such officer's successor, or (ii) the cessation of the receipt of Compensation. If an Employee incurs a break in service for a period of less than 30 days or transfers among various Louisiana governmental entities, such break or transfer shall not be considered a Separation From Service. With respect to an Independent Contractor, *Separation From Service* means the expiration of all contracts pursuant to which services are performed for or on behalf of the Employer.

17. *Unforeseeable Emergency* means a severe financial hardship resulting from (a) the sudden or unexpected illness or accident of a Participant or a Participant's dependent, or (b) the loss of a Participant's property due to a casualty or other similar extraordinary and unforeseeable circumstance beyond the control of the Participant. A financial need created by an educational expense, a Participant's desire to purchase a home or other foreseeable expense which is under the control of the Participant shall not constitute an Unforeseeable Emergency.

ARTICLE II ELIGIBILITY AND PARTICIPATION

1. *Deferral Authorization*. For purposes of this Article, the term *Deferral Authorization* means a form, provided by the Commission, which provides for:

- a. The designation of an amount (or percentage) of Compensation to be deferred by a Participant;
- b. The designation of an Investment Product or Products and the amount (or percentage) of Deferred Compensation to be allocated to each such Investment Product or Products;
- c. The designation of the method of distribution payable upon a Participant's Separation From Service;
- d. The designation of a Participant's Beneficiary;
- e. The designation of the method of distribution payable to a Participant's Beneficiary;
- f. The designation of a Participant's Normal Retirement Age; and
- g. Such additional elections or information as may be required by the Commission.

The Commission shall be entitled to rely on the information provided by the Participant in connection with his or her Deferral Authorization; the Commission shall have no obligation to verify, at any time, the accuracy of such information.

2. *Eligibility*. All Employees and Independent Contractors receiving Compensation shall be eligible to participate in the Plan, including Employees who are members of the Commission.

3. *Participant*. An Employee or an Independent Contractor eligible to participate in the Plan shall become a Participant upon the acceptance by the Commission of his or her completed Deferral Authorization.

ARTICLE III DEFERRALS

1. Amount of Deferral. The following special rules apply to Compensation deferred under the Plan:

a. A Participant may not defer any Compensation for a calendar month unless a Deferral Authorization providing for such deferral has been completed by the Participant and accepted by the Commission prior to the beginning of such month.

b. The minimum amount of Compensation deferred under a Deferral Authorization shall equal the greater of (i) \$25.00 for each Pay Period, or (ii) \$50.00 for each calendar month; provided, however, that such minimum deferral shall not apply to a Participant whose Deferral Authorization (or similar form) in effect on October 1, 1984, permitted a smaller deferral.

c. The maximum amount of Compensation which may be deferred during a calendar year shall not exceed the lesser of (i) 33 $\frac{1}{3}$ percent of a Participant's Includible Compensation, or (ii) \$7,500. Such amount shall be reduced by Compensation excludible from a Participant's gross income under Code Section 403(b), if any, which is attributable to contributions made by the Employer.

2. Catch-Up. Notwithstanding any provision of the Plan to the contrary, for each of the three calendar years prior to the calendar year in which a Participant reaches his or her designated Normal Retirement Age (or a lesser period of years designated by the Participant), a Participant may elect to defer an amount equal to the lesser of:

a. \$15,000 (reduced by amounts excludible from Compensation, if any, under Code Section 403(b) which are attributable to contributions made by the Employer); or

b. The sum of (i) the limitation set forth in Paragraph 1, above, for the current taxable year, and (ii) the limitation set forth in Paragraph 1, above, for Prior Taxable Years less Deferred Compensation attributable to such Prior Taxable Years.

For purposes of this Paragraph 2, the term *Prior Taxable Year* means a calendar year beginning after 1978, provided (a) the Participant was eligible to participate in the Plan during all or a portion of such year, and (b) Deferred Compensation, if any, attributable to such year was subject to the limitation set forth in Paragraph 1, above.

3. Modification of Deferral Authorization. The following special rules apply to the modification of a Participant's Deferral Authorization:

a. Amount. A Participant shall be entitled to reduce the amount (or percentage) of Deferred Compensation allocable to an Investment Product once each calendar year. A Participant shall be entitled to increase Deferred Compensation allocable to an Investment Product at any time during a calendar year; provided, however, that the minimum increase permitted under this Subparagraph (a) shall be \$25.00 per month.

b. Designation of Investment Products. A Participant shall be entitled to modify his or her designation of Investment Products once each calendar year.

c. Form of Modification. A modification permitted under this Paragraph 3 shall be made, in writing, on forms provided by the Commission. Any such modification shall become effective no later than the commencement of the first pay period which begins at least 30 days after receipt and approval by the Commission; provided, however, that the Commission shall not be liable for any delay which occurs despite its good faith efforts.

d. Authority of the Commission. Notwithstanding the provisions of this Paragraph 3, the Commission, in its sole discretion, may prohibit (i) the modification of the amount (or percentage) of Deferred Compensation allocable to an Investment Product, and (ii) the modification of the Investment Product or Products se-

lected by the Participant, during the 12-month period commencing on the date the Investment Product or the amount of Deferred Compensation allocable to an Investment Product is designated. Further, the Commission, in its sole discretion, may authorize more frequent modifications of (i) the Investment Product or Products, and (ii) the amount of Deferred Compensation allocable to the Investment Products.

e. Normal Retirement Age. If a Participant Separates From Service before he or she attains age 70 $\frac{1}{2}$, such Participant shall be entitled to modify his or her designation of a Normal Retirement Age in accordance with the limitations set forth in Article I, Paragraph 13. Any such modification shall be made, in writing, on forms acceptable to the Commission and shall be filed with the Commission on or before the 90th day following the Participant's Separation From Service. The designation of a Participant's Normal Retirement Age shall become irrevocable at the close of the 90th day after the Participant Separates From Service.

4. Revocation of Deferral Authorization. A Participant may, at any time, revoke his or her Deferral Authorization by notifying the Commission, in writing, on forms acceptable to the Commission. Upon the acceptance of such notification, deferrals under the Plan shall cease no later than the commencement of the first Pay Period beginning at least 30 days after acceptance; provided, however, that the Commission shall not be responsible for any delay which occurs despite its good faith efforts.

In no event shall the revocation of a Participant's Deferral Authorization permit a distribution of Deferred Compensation, except in accordance with the provision of Article IV.

5. Duration of Deferral Authorization. A Deferral Authorization shall continue in effect until (a) a Participant experiences a Separation From Service, or (b) such Deferral Authorization is modified or revoked in accordance with the provisions of this Article III.

ARTICLE IV DISTRIBUTIONS AND WITHDRAWALS

1. Distribution Events. If a Participant (a) incurs a Separation From Service, or (b) receives a determination of Unforeseeable Emergency, all or a portion of the Interest of such Participant in Compensation deferred under the Plan shall be distributed to such Participant in accordance with the provisions of this Article IV.

2. Form of Distribution. A Participant shall be entitled to select the method of distribution of his or her Interest in Compensation deferred under the Plan in accordance with this Paragraph 2; provided, however, that a single-sum distribution shall be made if a Participant's (or Beneficiary's) Interest is \$2,000 or less.

A Participant shall initially designate the method of distribution applicable to his or her Interest in Compensation deferred under the Plan, in writing, on his or her Deferral Authorization; a Participant may designate a separate form of distribution for each Investment Product in which his or her interest is invested. A Participant shall be entitled to modify such designation, in writing, on forms acceptable to the Commission. Any such modification must be filed with the Commission on or before the 30th day prior to date on which distributions are scheduled to commence in accordance with the provisions of Paragraph 4. An election as to the method of distribution shall become irrevocable at the close of the 30th day prior to the date on which distribution is scheduled to commence.

Distributions shall be made in the form of:

a. A single-sum payment; or

b. Monthly, quarterly, semi-annual or annual installment payments for a designated term which is not in excess of (i) the life expectancy of the Participant or (ii) the joint and last survivor life expectancy of the Participant and his or her spouse.

3. Amount of Distribution. If a Participant elects installment payments as a method of distribution, the minimum annual payment shall be the greater of \$600 per year or an amount computed as follows:

a. Each calendar year, the Participant's remaining interest in Compensation deferred under the Plan, determined as of the beginning of such year, shall be divided by the life expectancy of the Participant (or the joint and last survivor life expectancy of the Participant and his or her spouse or any shorter period designated in accordance with Paragraph 2(b)).

b. Life expectancy (or a shorter term designated by the Participant) shall initially be determined as of the date on which distributions commence. Each calendar year, the remaining life expectancy (or term) shall be computed by subtracting the whole number of years passed since such life expectancy or term was initially determined.

4. Time of Distribution. If a Participant Separates From Service before he or she attains age 70½, the distribution of such Participant's Interest in Compensation deferred under the Plan shall be made or commence 120 days following the Participant's Separation From Service; provided, however, that such Participant shall be entitled to irrevocably elect to defer the commencement of distributions by modifying his or her designation of a Normal Retirement Age in accordance with Article III, Paragraph (3)(e). The deferred distribution of such Participant's Interest in the Plan shall commence 60 days after the close of the calendar year in which the Participant attains his or her designated Normal Retirement Age.

If a Participant Separates From Service on or after the date on which he or she attains age 70½, the distribution of such Participant's Interest in the Plan shall commence on the earlier of (a) 120 days after the Separation From Service occurs, or (b) 60 days following the close of the calendar year in which the Participant Separates From Service.

If the Participant is an Independent Contractor, (a) in no event shall distributions commence prior to the conclusion of the 12-month period beginning on the date on which all such Participant's contracts to provide services to or on behalf of the Employer expire, and (b) in no event shall a distribution payable to such Participant pursuant to this Paragraph (4) commence if, prior to the conclusion of the 12-month period, the Participant performs services for the Employer as an Employee or Independent Contractor.

5. Unforeseeable Emergency. The Emergency Committee may authorize the withdrawal of all or a portion of a Participant's Interest in Compensation deferred under the Plan subject to the limitations set forth in Article VII, Paragraph 2, provided such Participant establishes that he or she has experienced an Unforeseeable Emergency.

6. Leave of Absence. An approved leave of absence with pay shall not affect a Participant's Interest in Compensation deferred under the Plan. If a Participant obtains an approved leave of absence without pay, he or she shall be treated as an Inactive Participant during the period of such leave. Upon returning to active status, the Participant shall be entitled to execute a new Deferral Authorization.

7. Inactive Participants. If a Participant is treated as an Inactive Participant and his or her Interest in Compensation deferred under the Plan is \$500 or less, the Commission, in its sole discretion, may, at any time after approval of this Paragraph (7) by the Internal Revenue Service, elect to pay-out such Interest in a single-sum payment.

8. Definition. For purposes of this Article, the term Inactive Participant means a Participant who does not have a Deferral Authorization in effect for all or a portion of a particular calendar year.

ARTICLE V DEATH BENEFITS

1. Designation of Beneficiary. A Participant shall initially designate his or her Beneficiary on the Deferral Authorization provided by the Commission. A Participant may, at any time, modify his or her designation of Beneficiary on forms acceptable to the Commission; such modification shall become effective upon acceptance by the Committee and shall constitute a revocation of all previous designations.

If no designated Beneficiary survives the Participant, the Interest of the Participant in Compensation deferred under the Plan shall be distributed to the legal representative of the Participant's estate or to a successor in accordance with a Judgment of Possession.

2. Form of Distribution. If a Participant dies before his or her entire Interest in Compensation deferred under the Plan has been distributed, the distribution of the Participant's remaining Interest shall commence 60 days after the Participant's death. Such distribution shall be made in the form of:

a. A single-sum payment;

b. If the Beneficiary is the Participant's surviving spouse, substantially equal monthly, quarterly, semi-annual or annual installment payments for a designated term not in excess of such surviving spouse's life expectancy; or

c. If the Beneficiary is not the Participant's surviving spouse, substantially equal monthly, quarterly, semi-annual or annual installment payments for a designated term not in excess of 15 years.

A Participant shall initially designate the method of distribution payable to his or her Beneficiary on the Deferral Authorization. The Participant shall be entitled to modify such designation, at any time, on forms acceptable to the Commission; such modification shall become effective upon acceptance by the Commission.

A Beneficiary shall be entitled to modify the Participant's designation of the form of distribution during the period which commences as of the Participant's death and ends at the close of the 30th day after the Participant's death. Any such modification shall be made, in writing, on forms acceptable to the Commission and shall be filed with the Commission during the period described above. The designation of the method of distribution shall become irrevocable at the close of the 30th day following the Participant's death.

3. Amount of Distribution. If installment payments are designated as the method of distribution, the amount of the minimum annual payment shall be \$600.

ARTICLE VI FUNDING

1. Fund. No fund or other account shall be established to provide benefits under the terms of the Plan. All (a) Deferred Compensation, (b) property and rights purchased with such Deferred Compensation, and (c) income or earnings attributable to such Deferred Compensation, property or rights shall constitute assets of the State of Louisiana and remain (until made available to a Participant or Beneficiary) the property of the State of Louisiana, subject only to the claims of the general creditors of the State of Louisiana.

2. Investment Products. Notwithstanding any provision of the Plan to the contrary, the State of Louisiana shall be the owner and sole beneficiary of any Investment Product obtained in connection with the Plan.

ARTICLE VII ADMINISTRATION

1. Powers. The Commission shall have full power and authority to adopt rules or policies required to implement the Plan and to interpret, amend or repeal any such rule or policy.

In addition, the Commission shall have full power and authority to administer the Plan or to arrange for the administration of the Plan through appropriate contracts or agents in accordance with applicable state law. The power and authority of such agents shall be limited to the powers enumerated in the contractual agreements between the Commission and such agents.

2. **Emergency Committee.** The Commission shall appoint an Emergency Committee comprised of three individuals. Applications for a withdrawal of Deferred Compensation based on an Unforeseeable Emergency shall be approved or disapproved by such Committee.

A Participant shall furnish medical or other evidence to the Emergency Committee to establish and substantiate the existence of an Unforeseeable Emergency.

If an application for a withdrawal based on Unforeseeable Emergency is approved, the amount of the withdrawal shall be limited to the amount required to meet such emergency. Payment shall not be made to the extent such emergency is relieved:

- a. Through reimbursement or compensation by insurance or otherwise;
- b. By the liquidation of the Participant's assets, provided the liquidation does not cause a financial hardship; or
- c. By the revocation of the Participant's Deferral Authorization.

3. **Actions.** The Commission shall act with reasonable prudence, due diligence, and care. All actions of the Commission shall be made in a uniform and nondiscriminatory manner.

No member of the Commission or a Committee, if a Participant, shall make any determination (other than a policy decision which affects all Participants) with respect to his or her specific Interest in Compensation deferred under the Plan.

4. **Liability.** Neither the Commission nor the Employer guarantee Compensation deferred pursuant to the Plan from loss or depreciation in value. Neither the Commission nor the Employer shall be liable to anyone for any action or inaction taken in good faith in accordance with the terms of the Plan or applicable law.

5. **Cost of Administration.** The Commission may, in its sole discretion, use one or more of the following methods to meet the costs of administering the Plan:

- a. The Commission may establish a reasonable monthly or annual administrative charge;
- b. The Commission may deduct an allocable portion of administrative costs from Deferred Compensation;
- c. The Commission may deduct an allocable portion of administrative costs from the income or earnings of Investment Products;
- d. The Commission may authorize any duly appointed administrator to accept commissions from providers of Investment Products; provided, however, that the amount of such commissions may not exceed the amount of similar commissions paid to unrelated third parties;
- e. The Commission may deduct administrative costs from funds on deposit in financial institutions; and/or
- f. Any other reasonable fee or commission required to defray the costs of administering the Plan.

6. **Investment Products.** The Commission, in its sole discretion, shall be entitled to select the various Investment Products available under the Plan.

Notwithstanding any provision of the Plan to the contrary, the Commission, in its sole discretion, may direct the investment of all funds attributable to the Plan. If practicable, however, investments shall be made in accordance with the Deferral Authorization executed by each Participant.

In the event funds are invested in an Investment Product

designated by the Participant or the Commission and the Commission elects to discontinue the availability of the Investment Product, the Commission, in its sole discretion, shall be entitled to substitute a reasonable alternative.

7. **Participant Statements.** The Commission shall provide each Participant with a statement of the amount of his or her Deferred Compensation for the calendar year and the earnings or losses attributable to such amount, if any, within a reasonable time after the close of such year. Such statements shall be for information purposes only and shall not represent a secured interest in any identifiable assets of the State of Louisiana.

8. **Custodian.** The Commission or any duly appointed agent shall be the custodian of all evidence of ownership in Investment Products acquired pursuant to the Plan.

9. **Form of Distribution.** The Commission, in its sole discretion, shall select the methods of distribution available under the Plan. In the event a Participant's Deferral Authorization (or other similar election form) provides for a method of distribution not available under the terms of the Plan as of the earliest date on which distributions to such Participant may commence, the Commission, in its sole discretion, may substitute another method of distribution.

ARTICLE VIII MISCELLANEOUS

1. **Employment Rights.** Nothing contained in the Plan shall be deemed to constitute an employment agreement or contract between a Participant and the Employer. Further, nothing contained in the Plan shall be deemed to give a Participant any right to be retained in the employ of the Employer.

2. **Nonassignability.** Neither the Deferral Authorization executed pursuant to the terms of the Plan nor the benefits, proceeds or payments attributable to such authorization can be sold, assigned, anticipated, pledged, commuted, transferred or otherwise conveyed by a Participant or Beneficiary. The Commission shall not recognize any attempt to assign or transfer such amounts.

A Participant's or Beneficiary's interest in Compensation deferred under the Plan shall not be subject to attachment, garnishment, execution or transfer by operation of law in the event of the bankruptcy or insolvency of a Participant or Beneficiary.

3. **Headings and Subheadings.** The headings and subheadings are inserted for convenience only and are to be ignored in the construction and interpretation of the Plan.

4. **Severability.** If a provision of the Plan is deemed to be invalid or unenforceable, the remaining provisions shall continue in force and effect.

5. **Days and Dates.** Whenever time is expressed in terms of a number of days, the days shall be consecutive calendar days, including weekends and holidays; provided, however, that if the last day of a period occurs on a Saturday, Sunday or other holiday recognized by the Employer, the last day of the period shall deem to be the following business day.

6. **Conflicts.** In the event any form or other document used in connection with the Plan (including, but not limited to, Deferral Authorizations and Investment Products) conflicts with the terms of the Plan, the terms of the Plan shall govern.

7. **Copy of Plan.** A copy of the Plan shall be made available to each Participant or Employee eligible to participate in the Plan.

8. **Amendment or Termination of Plan.** The Commission, in its discretion, shall have the authority to (a) amend the Plan, (b) terminate the Plan, or (c) substitute a new plan for the Plan.

The adoption of the preceding rule on an emergency basis was based upon a finding by the Deferred Compensation Commission that the making of appropriate revisions to the "Louisiana Public Employees' Deferred Compensation Plan" must be ac-

completed without delay in order to assure compliance with Section 457 of the Internal Revenue Code and the regulations issued pursuant thereto by the U.S. Internal Revenue Service.

Ellis C. Magee
Chairman

Rules

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

Louisiana Seed Certification Standards

The Department of Agriculture currently has regulations to certify 32 commodities, and of this total, 12 were not in full compliance with the standards as established by the Federal Seed Act Regulations. In addition, amendments were needed in the title to two certification standards. Therefore, under the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture, Seed Commission, pursuant to the authority granted under R.S. 3:1433 and in accordance with the Notice of Intent published on July 20, 1984, adopted the following amendments to the Louisiana Seed Certification Standards at its September 26, 1984 meeting with the amendments to become effective on October 20, 1984:

Rule 22.2 Crimson Clover Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.1	0.25	1.0

Rule 24.2 Red Clover Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.1	0.25	1.0

Rule 25.3 Cottonseed Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.03	0.05	0.1

Rule 26.2 Dallisgrass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 27.2 Gulf Ryegrass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 28.2 Harding Grass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 32.1 Okra Seed Standards will be amended by revising field isolation distances:

Foundation	Registered	Certified
1320 ft.	1320 ft.	825 ft.

Rule 33.4 Onion Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.0	0.5	1.0

Rule 34.2 Rescue Grass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 40.1 Small Grain (Oats, Wheat, Rye) Seed Standards will be amended by revising field isolation distances for Rye:

Breeder	Foundation	Registered	Certified
660 ft.	660 ft.	660 ft.	660 ft.

Rule 47.2 Tall Meadow Fescue Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 51.4 Vetch Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	0.25	1.0

Rule 27.0 Title will be amended to read Annual Ryegrass Seed Certification Standards.

Rule 40.2 Small Grain Standards will be amended for other weed seed content allowed for Oats:

Breeder	Foundation	Registered	Certified
0	.02	.05	.10

Rule 47.0 Title will be amended to read Tall and Meadow Fescue Seed Certification Standards.

Copies of the complete Louisiana Seed Certification Standards as herein amended, may be secured by written, telephone, or personal request from John Armstrong, State Seed Analyst, Department of Agriculture, Box 18190-B, University Station, Baton Rouge, LA 70893, phone (504) 342-5809.

Bob Odom
Commissioner

RULE

Department of Commerce Board of Architectural Examiners

Under the authority of La. R.S. 37:144 and in accordance with the provisions of La. R.S. 49:950 et seq., the Board of Architectural Examiners adopted the following.

RULES

The Louisiana State Board of Architectural Examiners operates pursuant to the below listed rules, to be adopted under the authority of R.S. 1950, Title 37, Chapter 3 as amended.

For purposes of these rules, the term "architect" means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the Board pursuant to the provisions of La. R.S. 12:1086 et seq. and an architectural-engineering corporation certified by the Board pursuant to the provisions of La. R.S. 12:1171 et seq. The term "Board" means the Louisiana State Board of Architectural Examiners.

LAC 11-14:1

ORGANIZATION

§1.1 The name and address of the person designated by the Board upon whom service of process may be served in judicial procedures against the Board is the Executive Director at the address of the official place of business of the Board.

§1.2 The Board shall elect a President and a Secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January the ensuing year.

§1.3 The President shall preside at all meetings; appoint all committees; sign all certificates of registration issued; sign all checks, with the Executive Director; and perform all other duties pertaining to his office.

§1.4 The Secretary shall, with the assistance of such executive and clerical help as may be required, keep a record of all the proceedings of the Board and of all monies received or ex-

pending by the Board, which record shall be open to public inspection at all reasonable times. He shall sign all certificates of registration.

§1.5 The Board may employ such executive, stenographic, and office assistance, including an Executive Director, as is necessary and such professional assistance at examinations as is required, and shall rent office space as necessary to house the staff and records.

§1.6 The Board shall employ an Executive Director who shall have possession on behalf of the Secretary of all the official records of the Board and who may, under the supervision of the Board, perform such administrative and ministerial duties as the Board authorizes.

§1.7 In discharging its responsibilities, the Board may engage private counsel, or, as prescribed in law, utilize the services of the Attorney General.

§1.8 There shall be at least four regular meetings each year. If the Executive Director or the President decide additional meetings are necessary, a special meeting may be called by due notification of all members of the Board. A special meeting of the Board shall be called by the President upon the request of any two members by giving at least a ten days written notice to each member of the time and place of such meeting.

§1.9 Unless required otherwise, by law or by these rules, Robert's Rules of Order shall be used in the conduct of business by the Board.

§1.10 Three members of the Board constitute a quorum.

§1.11 The minutes of all meetings shall be prepared and signed by the Secretary and the President at the next regular meeting. As soon as the minutes are prepared, the Executive Director shall mail them to the membership for their comments.

§1.12 Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the Board offices accurate and current records including, but not limited to:

§1.12.1 A record containing, in proper order, minutes of all meetings of the Board.

§1.12.2 A record containing the name and registration number of all persons to whom certificates of registration are issued, the last known address of all registrants, and a record of all current renewals effected through annual registrations.

§1.12.3 An individual file for each registrant containing the original application, relevant verification and evaluation data, records of examinations and grades, date of original registration and a record of annual registrations and fees received after original registration, and when applicable, records of alleged violations and any revocation, rescission and suspension of licenses.

§1.12.4 A system of record keeping correctly and currently indicating funds budgeted, committed, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

§1.13 The Board shall maintain membership in the National Council of Architectural Registration Boards (NCARB) and its Regional conference. Up-to-date information on the examinations and policies adopted from time to time by NCARB shall be developed by the staff, and reported to the Board regularly.

§1.14 The Board will cooperate with NCARB in furnishing transcripts of records, giving examinations and rendering other assistance calculated to aid in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

§1.15 If funds are available, the Board may pay the expenses of the board members, director and legal counsel attending the NCARB national and committee meetings, Southern Conference meetings, and other designated meetings at which the member, director and legal counsel is representing the Board.

LAC 11-14:2

APPLICATIONS FOR EXAMINATION

§2.1 Applications will be received at the office of the Board and shall be filed no less than 90 days prior to date of examination.

§2.2 Applications shall be made on a form, furnished by the Board, which indicates the applicant has completed an internship of practical working experience, as defined by NCARB, and as outlined by the Intern Development Program Administration by NCARB.

§2.3 If an applicant fails to take the examination at the time for which he has applied, two-thirds of his fee will be returned and he will be required to file a new application, for future examination.

§2.4 The Board may request additional evidence or information, or a personal appearance of the Applicant before the Board. Failure to comply within 30 days from the date of written request by the Board may be considered as just and sufficient cause for disapproval of the application.

LAC 11-14:3

REGISTRATION AND EXAMINATION REQUIREMENTS

§3.1 If an applicant has passed the examination given by another state, the Board will accept NCARB certification as evidence of qualification for registration.

§3.2 The NCARB requirements for determining the qualifications and eligibility of an applicant to take the written examinations are adopted by the Board.

§3.3 The Architectural Registration Examination as prepared by the NCARB, is adopted by this Board as the examination required to obtain registration.

§3.4 The Board will not reverse the grade received by a candidate from NCARB.

LAC 11-14:4

REGISTRATION PROCEDURE

§4.1 To obtain information regarding registration to practice architecture in Louisiana an individual shall write the Board, giving a brief statement of his education, experience, and professional practice. A corporation which satisfies the requirements of the Professional Architectural Corporations Law, La. R.S. 12:1086 et seq., and an architectural-engineering corporation which satisfies the requirements of the Architectural-Engineering Corporation Law, La. R.S. 12:1171 et seq. may be registered. The letter to the Board shall indicate whether the applicant seeks to be registered as an architect, a professional architectural corporation, or an architectural-engineering corporation. The applicant will then receive instructions on the procedure to follow.

§4.2 Individuals who are registered in other states may apply for registration in Louisiana on the basis of an NCARB (blue cover) certificate, provided the examination taken and the record of the applicant meets the requirements for registration of architects in Louisiana. The Board will act upon the application at the next Board meeting. If the decision of the Board is favorable, a certificate of registration will be issued.

§4.3 Upon granting registration and issuance of a license to practice architecture, a copy of the Licensing Law and the Rules of the Board shall be forwarded to the registrant.

§4.4 Only individuals, professional architectural corporations, and architectural-engineering corporations who have met the statutory registration requirements through established Board Rules shall receive certificates of registration.

§4.5 Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

§4.6 A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction

of the original certificate, and the registrant pays a fee to be set by the Board.

§4.7 Registrants sixty-five years of age or older, who have retired from active practice may request emeritus status. The annual renewal fee for approved emeritus registrants will be five dollars. Revocation and reinstatement rules will otherwise apply to emeritus registrants, just as they do to all other registrants.

LAC 11-14:5 RENEWAL PROCEDURE

§5.1 Certificates of licensure for individuals shall expire and become invalid on December 31 of each year. Certificates of licensure for professional architectural corporations and architectural-engineering corporations shall expire and become invalid on June 30 of each year. An architect who desires to continue his license in force shall annually renew same.

§5.2 It is the responsibility of the architect to obtain, complete, and timely return a renewal form and fee to the Board office, which forms are available upon request from said office.

§5.3 Prior to December 1 of each year the Board shall mail to all individuals currently licensed a renewal form. An individual who desires to continue his license in force shall complete said form and return same with the renewal fee prior to December 31. The fee shall be determined by the Board, not to exceed \$50. Upon payment of renewal fee the Executive Director shall issue a renewal certificate.

§5.4 Prior to June 1 of each year the Board shall mail to all professional architectural corporations and all architectural-engineering corporations currently licensed a renewal form. A professional architectural corporation and an architectural-engineering corporation which desires to continue its license in force shall complete said form and return same with the renewal fee prior to June 30. The fee shall be determined by the Board, not to exceed \$50. Upon payment of the renewal fee, the Executive Director shall issue a renewal certificate.

§5.5 The failure to renew a license timely shall not deprive the architect of the right to renew thereafter.

§5.6 An individual who transmits his renewal form and fee to the Board subsequent to December 31 and a professional architectural corporation or an architectural-engineering corporation who transmits its renewal form and fee to the Board subsequent to June 30 shall be required to pay a delinquent fee to be determined by the Board, not to exceed \$60.

LAC 11-14:6 ADMINISTRATION

§6.1 All registrants must affix their seal or stamp to all drawings and to the title page and index page of all specifications and to other documents of service as well, which are developed and issued under direction or authorship of the registrant.

§6.2 It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect, who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the professional engineer, who has complied with all of the current laws of Louisiana, and is properly registered in that branch of engineering for which he may be qualified, has a right to engage in activities classifiable as architectural insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs of projects with which he may be engaged.

§6.3 The seal or stamp of the architect shall contain the

name of the architect, the architect's registration numbers, and identify the architect as a registered architect.

LAC 11-14:7

TITLES, FIRM NAMES, AND ASSUMED NAMES

§7.1 Persons holding certificates of registration issued by this Board are authorized to employ the title "architect", "architectural corporation", or "architectural-engineering corporation", as applicable, and use the word architect, or various constructions thereof, in describing or identifying services solicited, offered, or executed. No other person, firm, partnership, corporation, or groups of persons may employ the title "architect" or constructions of the word architect to describe persons or services, nor do such unregistered persons have authority to solicit, offer, or execute architectural services in this state.

§7.2 No person, firm, partnership, corporation, or group of persons is authorized to solicit, offer, or execute architectural services in this state without certificates of registration issued by this Board to practice architecture in Louisiana.

§7.3 Registrants holding current certificates of registration may organize or engage in any form of individual partnership, firm, group, or corporate practice of architecture allowed by the statutes of this state, provided the firm name:

§7.3.1 If a professional architectural corporation, ends with one of the phrases: "A Professional Architectural Corporation", "A Professional Corporation", or "An Architectural Corporation", which phrase may be in parenthesis, and complies with the other requirement of La. R.S. 12:1087.

§7.3.2 If an architectural-engineering corporation, ends with language sufficient to identify the corporation as a corporation, such as, but not by way of limitation, "Incorporated", "Inc.", "Limited", or "Ltd.", and complies with the other requirements of La. R.S. 12:1172.

§7.3.3 If under any firm title other than the real name or names of a registered architect, whether individually, or as an association, partnership, or corporation, has been identified in a certificate filed in the office of this Board stating the full name and residence of each person engaging in that practice, the place (including street, number, city, and zip code) where that practice is principally conducted, and the title under which it is conducted.

§7.4 It is the responsibility of all architects engaged in the practice of architecture as a firm, partnership, corporation, or group of persons to advise the Board of any name change.

LAC 11-14:8

PROFESSIONAL ARCHITECTURAL CORPORATIONS

§8.1 The practice of architecture by professional architectural corporations is only permissible when lawfully constituted under the laws pertaining to professional architectural corporations, La. R.S. 12:1086, et seq.

§8.2 No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a professional architectural corporation without first receiving a certificate from the Board authorizing the corporation to do so.

§8.3 Any person seeking to be certified to practice architecture as a professional or professional corporation shall request in writing an application to do so from the office of the Board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the Executive Director. Upon receipt of such application and the fee, the Board shall promptly either approve said application and certify the applicant as a professional architectural corporation or disapprove said application advising the applicant of the reasons therefor.

§8.4 Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the

direct supervision of a natural person duly licensed to practice architecture in this state.

§8.5 The architects licensed in this state who perform such architectural services or directly supervise such services will be responsible to this Board for all acts and conduct of such corporation.

§8.6 It will be the responsibility of all architects named in an application to be certified as a professional architectural corporation to advise the Board of any organizational change that would relate to the authority granted under this Rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

LAC 11-14.9

ARCHITECTURAL-ENGINEERING CORPORATIONS

§9.1 The practice of architecture by architectural-engineering corporations is only permissible when lawfully constituted under the laws pertaining to architectural-engineering corporations, La. R.S. 12:1171 et seq.

§9.2 No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as an architectural-engineering corporation without first receiving a certificate from the Board authorizing the corporation to do so.

§9.3 Any person seeking to be certified to practice architecture as an architectural-engineering corporation shall request in writing an application to do so from the office of the Board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the Executive Director. Upon receipt of such application and the fee, the Board shall promptly either approve said application and certify the applicant as an architectural-engineering corporation or disapprove said application advising the applicant of the reasons therefor.

§9.4 Architectural services rendered on behalf of an architectural-engineering corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state.

§9.5 The architects licensed in this state who perform such architectural services or directly supervise such services will be responsible to this Board for all acts and conduct of such corporation.

§9.6 It will be the responsibility of all architects named in an application to be certified as an architectural-engineering corporation to advise the Board of any organizational change that would relate to the authority granted under this Rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

LAC 11-14:10

VIOLATIONS

§10.1 Complaints alleging violation of law or rules and regulations, the enforcement of which is a responsibility of this Board, should be addressed to the Board office and should be in writing and in the form of a sworn affidavit. The Board, upon its own motion, may file a complaint against any architect.

§10.2 Complaints shall be preliminarily investigated by the Executive Director, with the assistance of counsel and the President, who shall either dismiss the charges, so notifying the complainant, or refer the matter to the Board for hearing. The Board may also refer alleged violations to the appropriate district attorney and/or file suit pursuant to the provisions of La. R.S. 37:156.

§10.3 The Board may obtain the services of a reporter to make a record of the hearing. The respondent may contact the Executive Director to determine whether a reporter will be provided by the Board.

§10.4 Hearings before the Board shall be in accordance

with La. R.S. 37:141 et seq. and the Administrative Procedure Act, La. R.S. 49:951 et seq.

§10.5 In all cases the Board's Executive Director stands instructed to support and cooperate with counsel and the courts in any manner possible, and to keep the Board advised of relevant matters as the case develops.

§10.6 In the Board office there shall be maintained a current file of all complaints alleging violations, reflecting all information and action pertinent thereto.

§10.7 Upon its own motion, the Board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution of the original complaint.

LAC 11-14:11

RULES OF CONDUCT

§11.1 In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

§11.2 An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in specific technical areas involved.

§11.3 An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to, by all involved parties.

§11.4 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

§11.5 An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

§11.6 When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

§11.7 An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

§11.8 An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

§11.9 If in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable State or municipal building laws and regulations, the architect shall report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations; refuse to consent to the decision; and in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination, the architect shall have no liability to his or her client on account of such termination.

§11.10 An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

§11.11 An architect shall not assist the application for reg-

istration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

§11.12 An architect shall not, in the conduct of his or her architectural practice, knowingly violate any local, State or Federal criminal law.

§11.13 An architect shall neither offer nor make payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

§11.14 An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

§11.15 An architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants registered under this or under another professional registration law of this jurisdiction, the architect may sign or seal the consultants' portions of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

§11.16 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

LAC 11-14:12

ARCHITECTS SELECTION BOARD ELECTION

§12.1 As provided in La. R.S. 38:2310 et seq. the Board will accept nominations for the Architects Selection Board on the following basis:

§12.1.1 Spring Election (Two persons elected to serve a one year term beginning July 1)—Beginning March 1, any resident architect holding a current Louisiana license desiring nomination must furnish a petition (sample may be obtained from Board Office) by certified mail to the Board Office by 4:15 p.m. on or before the first Friday in April.

§12.1.2 Fall Election (Two persons elected to serve a one year term beginning January 1)—Beginning September 1, any resident architect holding a current Louisiana license desiring nomination must furnish a petition (sample may be obtained from Board Office) by certified mail to the Board Office by 4:15 p.m. on or before the first Friday in October.

§12.2 If only two resident architects are nominated for either the Spring Election or the Fall Election, no election shall be held. The two nominees shall be deemed elected without any further activity of the Board.

§12.3 If an election is necessary, official ballots will be mailed approximately 45 days after the closing date for accepting nominations. The ballots will be tabulated at a meeting of the Board held no less than two weeks prior to the beginning of each term.

§12.4 The two nominees elected in each election will be based on plurality. No write-in candidates will be counted.

§12.5 The Tabulation Committee shall consist of at least two members of the Board.

§12.6 Any vacancy occurring with respect to any person elected pursuant to this part shall be filled in the following manner: the Executive Director shall give notice of said vacancy to any person who has previously requested such notice in writing, and the Executive Director shall also publish in the official journal of the state an advertisement which will appear for a period of not less than ten days. The advertisement in the official journal of the state need not appear more than three times during the ten day period. The Executive Director may publish other such advertisements in his discretion. The advertisements shall state that a vacancy has occurred, that any resident architect holding a current Louisiana license desiring nomination must furnish a petition by certified mail

to the Board Office, that a sample of the petition may be obtained upon request from the Board office, the deadline for filing the petition, and any other information the Board may consider necessary. The deadline for filing a petition to fill a vacancy shall be at least ten days subsequent to the expiration of the last advertisement appearing in the official journal of the state. The Board shall appoint one of the petitioners to fill the vacancy, which appointee shall serve the unexpired term.

LAC 11-14:13

AMENDMENTS

§13.1 These rules may be amended pursuant to the Administrative Procedure Act, La. R.S. 49:951 et seq.

LAC 11-14:14

SEVERABILITY

§14.1 If any provision or item of the Rules of the Board or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the Rules of the Board which can be given effect without the invalid provisions, items or applications, and to this end the provisions of the Rules of the Board are hereby declared severable.

Mrs. Mary Simmons
Director

RULE

Department of Commerce Office of Commerce and Industry

The Department of Commerce, Office of Commerce and Industry hereby adopts the following rules for administration of the Local Economic Development Support Fund:

RULE

Local Economic Development Support Fund

1. Area of Service

All contractees shall provide evidence of membership by resolution from affected governmental bodies that services shall be provided to the area stipulated in the contract.

2. Staff

Contractee organization shall be directed by a full time, paid professional economic developer.

3. Base award

Each contractee shall receive \$25,000 annually.

4. Formula for distribution of additional monies

Set monies shall be distributed on the basis of population and number of businesses within contracting area and number of services performed for contract. Population shall have a weight of 30 percent, municipalities shall have a weight of 10 percent and number of businesses shall have a weight of 60 percent. A bonus of \$1,000 per parish for multi parish organizations.

5. Scope of work

Scope of work shall be individually negotiated with each applicant from the following tasks but shall include at least 14 of the following:

- a. Provide community data summaries on all applicable communities
- b. Provide data on industrial parks on approved forms
- c. Provide data on industrial sites on approved forms
- d. Provide data on industrial buildings on approved forms
- e. Report on annual inspection of industrial parks, sites and buildings
- f. Develop an office space guide
- g. Develop marketable properties
- h. Develop acceptable sales teams
- i. Develop promotional material on areas and properties

- j. Participate in C&I prospecting trips
- k. Encourage the development of Local Development Corporations
 - l. Coordinate the Ready City Program
 - m. Identify Federal/State funding for constituency
 - n. Provide loan packaging
 - o. Provide financing assistance
 - p. Identify applicants and provide assistance for the SBIR program
 - q. Identify joint venture/licensing opportunities
 - r. Provide export assistance
 - s. Identify opportunities for establishing businesses
 - t. Maintain a library of entrepreneurial materials
 - u. Maintain an economic inventory series
 - v. Establish a computer link with C&I computer facilities
 - w. Maintain a list of key loan officers in lending institutions
 - x. Maintain a listing of bonding capabilities of various jurisdictions
 - y. Provide an annual available labor market data of various labor market areas on approved forms
 - z. Develop audio/visual promos on applicable areas
 - aa. Provide planning, zoning and subdivision technical assistance
 - bb. Sponsor economic development seminars
 - cc. Provide office space, equipment and staff to C&I field reps
 - dd. Sponsor/co-sponsor national/international advertising
 - ee. Provide economic development infrastructure development
 - ff. Cooperate in state level efforts to develop hi-tech activities
 - gg. Promote the increase of available venture capital
 - hh. Disseminate information from C&I to local governments
 - ii. Assist with mapping and technical assistance in the Enterprise Zone program
 - jj. Prepare UDAG applications
- 6. Reporting
 - All contractees shall submit a quarterly narrative and financial report to the Office of Commerce and Industry.

other services to be performed under requested contract as Exhibit D.)

Authorization to
Enter into Contract:

(Attach a resolution from the governing board of organization authorizing applicant to enter into contract for LEDSF monies as Exhibit E.)

Kevin Couhig
Assistant Secretary

RULE

Department of Commerce Office of Financial Institutions

SECURITIES REGULATION RULE 1

Louisiana Private Offering Exemptions

Pursuant to the authority granted by R.S. 6:237(B) and R.S. 51:705(12), the Commissioner of Financial Institutions has adopted a new rule concerning Securities Regulations.

SUMMARY

This rule provides exemptions for private offerings of securities, under certain conditions, from the registration provisions of Louisiana Law. This rule further requires that copies of certain notices and documents be filed with the Commissioner and that a filing fee of \$300.00 be paid. The rule would be the state's equivalent of the Federal Securities and Exchange Commission's Regulation "D".

LOUISIANA PRIVATE OFFERING EXEMPTIONS

Preliminary Notes

1. The exemptions provided by Paragraph 1 of this rule are intended to provide state safe-harbor exemptions for private placements similar to the federal exemptions provided by Rules 501, 502, 503, 505 and 506 promulgated by the Securities and Exchange Commission under the Securities Act of 1933, as amended. The exemption provided by Paragraph 2 of this rule is intended to provide a state exemption similar to the federal exemption provided by Section 4(2) of the Securities Act of 1933. As with respect to the federal Section 4(2) exemption, the determination as to whether an offer or sale does not involve any public offering is to be made upon the basis of a consideration of all the relevant facts.

2. Nothing in these exemptions is intended to or should be construed as in any way relieving sellers or persons acting on behalf of sellers from providing disclosure to prospective investors adequate to satisfy the antifraud provisions of this state's securities law.

3. In view of the objectives of this rule and the purposes and policies underlying this rule, these exemptions are not available to any seller with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

4. Nothing in this rule is intended to relieve registered broker/dealers or agents from the due diligence, suitability or know your customer standards or any other requirements of law otherwise applicable to such registered persons.

5. The following rule relates to transactions exempted from the securities registration requirements of Section 706 of the Louisiana Securities Law (the "Law"), La. R. S. 51:701 et seq., as amended. Such transactions are not exempt from the antifraud, civil liability or other provisions of the Law.

6. Attempted compliance with the following rule does not

Date Submitted: _____

APPLICATION

to

LOUISIANA DEPARTMENT OF COMMERCE
OFFICE OF COMMERCE AND INDUSTRY

for

LOCAL ECONOMIC DEVELOPMENT SUPPORT FUND

Name of Organization: _____

Mailing Address: _____

Telephone: _____

Executive Director: _____

(Attach resume and evidence of employment by applicant organization as Exhibits A and B.)

Service Area: _____

(List parishes and municipalities served above and attach evidence of applicant organization's authorization to serve the area as Exhibit C.)

Scope of Work: _____

(Attach list of tasks from rules and any

act as an exclusive election; the seller can also claim the availability of any other applicable exemption.

7. The exemptions provided by Paragraph 1 of the rule are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resales of the issuer's securities.

8. The rule provides exemptions only for the transactions in which the securities are offered or sold, not for the securities themselves.

9. This rule may be used for business combinations that involve sales of securities.

SECURITIES REGULATION
REGULATION ONE
ARTICLE "D"
RULE 1

By authority delegated to the Commissioner of Securities in L.R.S.51:705(12) to promulgate rules thereunder, the transactions described in Paragraphs 1 and 2 hereof are determined to be exempt from the securities registration provisions of L.R.S.51:706. The exemption provided by L.R.S.51:705(12) shall not be available for any transactions not meeting the requirements of Paragraph 1 and/or Paragraph 2 of this rule.

1. Any offer or sale of securities offered or sold in compliance with the Securities Act of 1933, Regulation D, Rules 230.501-230.503 and 230.505 and/or 230.506, as made effective in Release No. 33-6389 and as may be amended from time to time (hereinafter referred to as "Regulation D"), and which satisfies the following further conditions and limitations:

A. No commission, fee or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in this state unless such person is appropriately registered as a broker-dealer in this state.

It is a defense to a violation of this subsection if the issuer sustains the burden of proof to establish that he did not know and in the exercise of reasonable care could not have known that the person who received a commission, fee or other remuneration was not appropriately registered in this state.

A bona fide officer, director, partner or employee of an issuer or of a partner of an issuer, or an individual occupying a similar status or performing similar functions may make offers and sales and otherwise solicit prospective purchasers without registration so long as he is not paid or given, directly or indirectly, any commission, fee or other remuneration for soliciting any prospective purchaser in this state and such solicitation activities do not constitute his principal service to such issuer or such partner of such issuer. Such persons shall not be deemed to receive a commission, fee or other remuneration within the meaning of this Subparagraph A of this Paragraph 1 by virtue of payments to an issuer, sponsor or affiliate of an issuer or a sponsor for services performed by such persons for such issuer, sponsor or affiliate that are not directly related to the solicitation of prospective purchasers.

B. A copy of each notice required by Regulation D to be filed with the Securities and Exchange Commission shall be filed by the issuer with the Commissioner of Securities not later than five days after the filing with the Securities and Exchange Commission.

When the issuer files a copy of its initial notice, it shall also file with the Commissioner of Securities copies of any and all written information furnished by the issuer to offerees and file a consent to service of process, unless such a consent has already been filed by the issuer with the Commissioner of Securities. The issuer shall also at such time pay a filing fee of \$300.

C. In all sales to nonaccredited investors in this state, the issuer and any person acting on its behalf shall have reasonable

grounds to believe and after making reasonable inquiry shall believe immediately prior to making any sale that at least one of the following conditions is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed 25 percent of the investor's net worth, it is suitable.

(ii) The purchaser either alone or with his purchaser representatives has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment.

2. A. Any offer or sale not involving any public offering, so long as (i) the issuer or other seller shall reasonably believe that there are no more than 35 purchasers of securities from the issuer or other seller in any offering during any period of 12 consecutive months and (ii) the buyers represent that they are buying for investment and not for public distribution or resale. For the purposes of calculating the number of purchasers under this Subparagraph A of Paragraph 2, the provisions of the Exchange Commission Rule 230:501, as they may be amended from time to time, shall apply.

B. (i) If in any offering there are more than ten purchasers of securities during any period of 12 consecutive months, the issuer or other seller shall file with the Commissioner of Securities not later than five days after the sale to the eleventh purchaser copies of all written offering materials, if any, furnished by the issuer or other seller to offerees and a consent to service of process, unless such consent has already been filed by the issuer with the Commissioner of Securities, and shall pay a filing fee of \$300.

(ii) If (a) in any offering there are more than ten purchasers of securities during any period of 12 consecutive months, (b) the aggregate offering price of the offering exceeds \$500,000 and (c) one or more of the purchasers does not meet the requirements of an accredited investor under the definition set forth in Securities and Exchange Commission Rule 230.501(a), as it may be amended from time to time, written disclosure adequate to satisfy the antifraud provisions of this state's securities law shall be delivered to all purchasers during the course of the offering and prior to sale.

(iii) For the purpose of calculating whether there are more than ten purchasers under this Subparagraph B of Paragraph 2, the provisions of Securities and Exchange Commission Rule 230.501, as they may be amended from time to time, shall apply, and, in addition, any purchaser who either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment shall be excluded. However, a total of no more than ten purchasers shall be excluded from such calculation.

C. The conditions and limitations set forth in Subparagraph A of Paragraph 1 of this rule shall also apply to this Paragraph 2.

3. A. Neither the exemptions provided by Paragraph 1 of this rule nor the exemption provided by Paragraph 2 of this rule shall be available if the issuer or other seller or any person acting on his behalf offers or sells the securities by any form of general solicitation or general advertising, including, but not limited to, (1) any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio and (2) any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

B. Without excluding other types of communications which

may not constitute general solicitations or general advertising, the following types of communications shall not be deemed to violate the prohibitions of Subparagraph A of this Paragraph 3:

(i) A notice, circular, advertisement, letter, article or other communication published or transmitted by an issuer, a sponsor, a broker-dealer or an affiliate of an issuer, a sponsor, or a broker-dealer, whether or not such communication is published during the time when an offering (the "Current Offering") is being made by such issuer, sponsor, broker-dealer or affiliate, that another offering has been completed, that another program has sold property owned by such program, that another program has been completed or any similar notice not making any reference to the Current Offering.

(ii) Generic advertising by a broker-dealer which refers to the types of investments offered by such broker-dealer and which does not make reference to any specific offering sponsored by the broker-dealer or an affiliate of the broker-dealer.

(iii) A notice, circular, advertisement, letter, article or other communication concerning the business of the issuer, a sponsor or one or more of their affiliates or concerning the industry in which the issuer, a sponsor or one or more of their affiliates is engaged and which communication does not make reference to the offering of securities by the issuer, the sponsor or their affiliates.

(iv) An article, speech, letter or other communication concerning the issuer, a sponsor, a broker-dealer or one or more of their affiliates which is not paid for by any of such persons and which is by nature more educational or informative than solicitatory, even though such article, speech, letter or other communication makes reference to offerings of such persons in general.

(v) An article, speech, letter or other communication concerning the issuer, a sponsor, a broker-dealer or one or more of their affiliates which is not paid for by any of such persons, which is by nature more educational or informative than solicitatory and which is published by someone other than the issuer, sponsor, broker-dealer or one or more of their affiliates, even though such article, speech, letter or other communication makes reference to offerings of such persons in general and to specific offerings of such persons currently being made.

(vi) A seminar or meeting whose attendees have not been invited by any general solicitation or general advertising.

4. Transactions which are exempt under this rule may not be combined with offers and sales exempt under any other rule or section of the Law, except that they may be combined with offers and sales exempt under L.R.S. 51:705(8); however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for this exemption, the issuer may claim the availability of any other applicable exemption.

5. The Commissioner of Securities may, by rule or order, increase the number of purchasers or waive any other conditions of this exemption.

6. Filings made pursuant to this rule may be reviewed by the Commission of Securities but solely for the purposes of determining whether he shall institute injunctive proceedings under L.R.S. 51:714 or institute criminal proceedings under L.R.S. 51:716.

7. A. For purposes of this rule, offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under the offering, other than those offers or sales of securities under an employee benefit plan as defined in Securities and Exchange Commission Rule 405.

B. For purposes of this rule, offers, offers to sell, offers for sale and sales of interests, including preformation interests, in a partnership shall be deemed to constitute a discrete offering not integrable with other offers or sales of interests in other entities involving the same sponsor or an affiliate thereof (a common sponsor), even if other safe harbor provisions provided by rule and administrative or judicial interpretation are not available, if all of the following conditions are met. No presumption shall arise as to whether offerings that do not meet all of the following conditions are integrable with other offerings, and the administrative and judicial interpretations on integration in effect at the time thereof shall apply.

(i) Separate Entity. The partnership shall be a separate legal entity with separate books and records, and funds received by or contributed to the partnership shall not be commingled with funds of a common sponsor or any other entity with a common sponsor.

(ii) Economic Independence. The partnership shall, at the time interests therein are offered and sold, have an independent opportunity to meet its primary investment objectives, i.e., the economic results of its investments shall not be substantially dependent upon the creation, continued existence or economic results of the investments of another entity previously, simultaneously or subsequently formed with a common sponsor.

(iii) Application of Proceeds. Whether or not the assets in which the partnership proposes to invest are specifically identified to offerees, no material portion of the gross offering proceeds of the partnership shall be invested in properties in which another entity with a common sponsor shall invest, or shall have invested (and continue to hold invested), a material portion of its gross offering proceeds.

If the assets in which the partnership intends to invest at least 50 percent of its gross offering proceeds (as its principal business or businesses) are not specifically identified to offerees, then: (i) each other entity with a common sponsor previously formed to conduct the same general types of activities shall have invested or committed for investment the major portion of its gross offering proceeds prior to the commencement of the offering of the partnership interests; and (ii) no simultaneous or subsequent offering of interests in another entity with a common sponsor organized for the same general types of activities shall be commenced before the partnership has invested or committed for investment the major portion of its gross offering proceeds, unless the assets in which such other entity intends to invest at least 50 percent of its gross offering proceeds are specifically identified to its offerees.

8. Any and all rules, orders and notices promulgated under L.R.S. 51:705(12) prior hereto are revoked as of the date of effectiveness of this rule.

9. In any proceeding involving this rule, the burden of establishing the right to any exemption shall be upon the person claiming the benefit of such exemption.

10. The exemptions authorized by this rule shall be known and may be cited as the "Private Offering Exemptions."

11. This rule shall become effective upon publication in the *Louisiana Register*. For those offerings which commence prior to such date and which are made in compliance with the provisions of L.R.S. 51:705(12) as in effect immediately prior thereto, no registration under L.R.S. 51:706 shall be required.

James A. Hayes
Commissioner

RULES

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and

Secondary Education, pursuant to Notice of Intent published on July 20, 1984 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rules listed below:

Rule 5.00.50.f

Amend Board policy 5.00.50.f to change the date of submission of federal and state budget requests to the Special Education Advisory Council to read: "November 1" rather than "December 1" as it presently states.

Rule 3.02.28

Personnel Evaluation Accountability Plan for BESE special schools with amendment to definition No. 18, page 3 as follows:

"Observation - the process of assigning a rating to an individual's performance that must be utilized in the compilation of the evaluation report."

Rule 3.02.37

Amend Board policy 3.02.37 (Section 1.3a) to read: "The superintendent of the Board Special School is the duly appointed and authorized agent of the Board of Elementary and Secondary Education."

Rule 3.02.04.g

The Board adopted the following policy: "Each Board Special School superintendent is designated as appointing authority for the day-to-day operation of the Board Special School with the proviso that the hiring and termination of employees are subject to the approval of the State Board of Elementary and Secondary Education."

Rule 3.01.08b

Business English curriculum guide (Bulletin 1721).

James V. Soileau
Executive Director

RULE

Department of Environmental Quality Office of the Secretary

Notice is hereby given by the Secretary, Department of Environmental Quality, pursuant to Notice of Intent published on August 20, 1984 and under the authority of the Louisiana Environmental Quality Act, L.R.S. 30:1061(D)(1) and 1094(B) et. seq. and in accordance to L.R.S. 49:950 et. seq. that the 1984 revised Louisiana Water Quality Standards is adopted as a rule. The final rule published herein supersedes all previously released versions.

I. INTRODUCTION

The purpose of this document is to establish Water Quality Standards which will: (1) provide for the protection and preservation of the abundant natural resources of Louisiana's many and varied aquatic ecosystems, (2) protect the public health and welfare which might otherwise be threatened by degradation of water quality, (3) generally protect or enhance the quality of public waters for designated uses, and (4) serve the objectives of the Louisiana Water Control Law and Federal Clean Water Act (hereafter referred to as the Clean Water Act).

The Water Quality Standards set forth in this document are provisions of Louisiana State Law and consist of (1) policy statements pertinent to water quality that are necessary to preserve or achieve the various designated uses, (2) designated uses for which public waters of the state are to be protected, and (3) criteria which are the concentration limits for various water quality parameters. This revision of the 1977 Louisiana Water Quality "Criteria" includes expanded designated use categories for public waters along with new water quality criteria for the control of toxic substances.

The Water Quality Standards described in this document are applicable to the ambient surface waters of streams and other

waterbodies of the state and do not apply to effluents. The Standards are utilized through the wasteload allocation policy to develop enforceable effluent limitations for point source wastewater discharge permits. They can also form the basis for implementation of best management practices applicable to nonpoint sources under Section 208 of the Clean Water Act.

II. AUTHORIZATION

Pursuant to the specific authorization provided for in Section 1094 (B)(1) of the Louisiana Water Control Law (Louisiana Revised Statute, L.R.S. 30:1091-1096) and in conformity with the Clean Water Act, the State of Louisiana has established Water Quality Standards to prohibit, control, and abate water pollution in the surface waters of the state. This document sets Standards for surface waters of the state. Standards for groundwater will be addressed in a separate document. The changes in Water Quality Standards contained in this revision are deemed necessary and appropriate by the state and are adopted in accordance with Section 303 (C) 2 of the Clean Water Act. This section sets forth the requirement that the governor or the state water pollution control agency hold public hearings at least once each three year period for the purpose of reviewing, and as appropriate, modifying and adopting standards.

III. DEFINITIONS

"Administrative Authority" means the secretary of the Department of Environmental Quality or his/her designated representative, the assistant secretary, Office of Water Resources.

"Artificial heat" means heat that is derived from unnatural sources such as power plant and other industrial cooling processes.

"Designated water use" means a use of the waters of the state as established by the Water Quality Standards. These include but are not limited to recreation, propagation of fish and other aquatic life and wildlife including shellfish, public water supply, agricultural activities, and outstanding natural resource waters.

"Dissolved oxygen" means the amount of oxygen dissolved in water, commonly expressed as a concentration in terms of milligrams per liter, mg/L.

"Dystrophic waters" means waters which are stained with organic material and which are low in dissolved oxygen due to natural conditions.

"Effluent" means wastewater discharged to the waters of the state.

"Effluent limitation" means any applicable state or federal quality or quantity limitation, which imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants which are discharged into the waters of the state.

"Fecal coliform" means a gram negative, non-spore forming, rod-shaped bacterial found in the intestinal tract of warm-blooded animals.

"Fresh warmwater fish" means those fish species whose populations reproduce in relatively warm water (above 20°C, 68°F) and low salinity (less than 2 ppt), including but not limited to, black basses, and freshwater sunfish and catfish.

"LC50" means the numerical limit or concentration of a test material which is lethal to 50 percent of exposed aquatic organisms in a specified period of time.

"mg/L" means milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.

"ng/L" means nanograms per liter; it is essentially equivalent to parts per trillion in dilute aqueous solutions.

"Nonpoint source" means a diffuse source of water pollution that does not discharge through a point source but instead flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining or silviculture activities.

“Office” means the Office of Water Resources within the Department of Environmental Quality.

“Person” means any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person.

“Point source” means a discernible, confined, and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Public water supply” means a surface or underground raw water source which, after conventional treatment, will provide safe, clear, potable, and aesthetically pleasing water for uses which include, but are not limited to human consumption, food processing and cooking, and as a liquid ingredient in foods and beverages.

“Receiving waters” means the waters of the state into which an effluent is, or may be discharged.

“7Q10 flow” means the minimum seven consecutive day average stream flow with a recurrence interval of once every ten years.

“Total dissolved solids” (TDS) means the amount of solid material dissolved in water, commonly expressed as a concentration in terms of mg/L.

“Total suspended solids” (TSS) means the amount of solid material suspended in water, commonly expressed as a concentration in terms of mg/L.

“Toxic substances” means any element, compound, or mixture which at sufficient exposure levels induces deleterious, acute or chronic physiological effects on an organism.

“ug/L” means micrograms per liter; it is essentially equivalent to parts per billion in dilute aqueous solutions.

“Wastewater” means liquid waste resulting from commercial, municipal, private or industrial processes. This includes but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste and contaminated rainwater runoff.

“Water Pollution” means the introduction into the waters of the state by any means, including dredge and fill operations, of any substance in concentration which tends to degrade the chemical, physical, biological, or radiological integrity of such waters, including, but not limited to, the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending therefrom three miles into the Gulf of Mexico.

“Water Quality Standard” means a definite numerical criterion value or general criterion statement or policy statement promulgated by the administrative authority to enhance or maintain water quality and to provide for, and fully protect, a designated use of the waters of the state.

“Waters of the State” means both the surface and underground waters within the State of Louisiana including all rivers, streams, lakes, groundwaters, and all other watercourses and waters within the confines of the state, and all bordering waters of the Gulf of Mexico.

IV. ENFORCEMENT

These standards are official regulations of the state and any person, as defined in L.R.S. 30:1054 B(10), who discharges pollutants into the waters of the state in such quantities as to cause these standards to be exceeded shall be subject to the enforcement procedures of the state as specified in L.R.S. 30:1073.

Documentation of violations will be based on data obtained by the Office of Water Resources, Water Pollution Control Division (hereafter referred to as the Office) through its routine water quality monitoring program, intensive stream surveys, in-

vestigation of complaints, special studies, or cooperative activities with local, state, and federal agencies or through any other authorized party.

Since aquatic systems receive organic and inorganic materials from natural and man-made sources and receive physical inputs from natural and man-made sources due allowances will be made for situations where low dissolved oxygen concentrations or other water quality conditions attributable to natural sources are at variance with the Standards. Failure to meet any portion of these Standards attributable to natural sources shall not be ascribed to discharges of waste(s) to the waters of the state except where those discharges contribute to or result in the loss of those natural sources.

V. POLICY

The Water Quality Standard policies concerned with maintenance and improvements of water quality for the state are discussed within this section. Policy statements on anti-degradation, water use, exceptions to Standards, intermittent streams, man-made watercourses, and revisions to Standards are presented below.

A. ANTI-DEGRADATION STATEMENT—It is the policy of the state that all interstate, intrastate, and coastal waters, including any portions thereof, whose existing quality exceeds the approved Water Quality Standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources will be maintained at their existing high quality. Under special circumstances, the state may choose to lower water quality in streams that exceed the Standards to allow for necessary and justifiable economic and/or social development, but not to the extent of violating the established Water Quality Standards. *No such changes, however, will interfere with or become injurious to the existing water uses.* The state administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would cause water quality or use impairment of state or interstate waters. Waste discharges must comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, will be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, there shall be achieved the highest statutory and regulatory requirements for all existing point sources and best management practices (BMP's) for nonpoint sources pursuant to Section 208 of the Clean Water Act. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding natural resource, such as waters of national and state parks and wildlife refuges, waters in the Louisiana Natural and Scenic Rivers System, and waters of exceptional recreational or ecological significance. Consistent with the provisions of the Clean Water Act, the state will keep the United States Environmental Protection Agency (EPA) informed of its activities and will furnish the EPA informational reports, in such form as to allow the EPA, to carry out its function under the Clean Water Act. The state will consult and cooperate with the EPA on matters that are the proper consideration of the federal agency; the EPA will reciprocate in matters that are the proper consideration of the state.

B. WATER USE—It is the policy of the State of Louisiana that all state waters should be protected for recreational uses and for the preservation and propagation of desirable species of aquatic biota and indigenous species of wildlife. Use and value of water for public water supplies, agriculture, industry, and other purposes as well as navigation, shall also be considered in setting Standards. However, the most stringent criteria specified for each parameter shall be applicable where waters are classified for multiple uses.

In applying this policy, the terms “recreational uses” and

“desirable species of aquatic biota” will be given common sense application. Recreational uses will be specified as either “primary contact” or “secondary contact”. “Desirable species of aquatic biota” refers to a diverse and naturally occurring range of aquatic biota and not to species that exist in the area in question in disproportionate numbers as a result of man’s waste discharges. Desirable species of fish, shellfish, wildlife and other aquatic biota will be specified as “fresh warmwater,” or “marine water” species. All future designations of stream uses and their associated criteria must, at a minimum, adhere to these classifications except as provided below.

C. EXCEPTIONS—The existence of poor water quality will be viewed as a problem to be solved, not as an impediment against assigning a use classification. However, some waters, because of poor quality or technological limitations, may qualify for an excepted classification. This determination, however, will be made on a case-by-case basis following the analysis of each such area. In all cases where exceptions are proposed the concurrence of the regional administrator of the EPA will first be obtained. In any case where the exception is based on technological limitations, the exception will be temporary, i.e., the exception will be reviewed at least every three years as required by Section 303 (c) of the Clean Water Act to determine the possibility of upgrading. Two categories for which exceptions are allowed are for certain intermittent streams and man-made watercourses. These two categories are presented below.

D. INTERMITTENT STREAM POLICY—Certain watercourses may be considered for application of an excepted water use classification on the basis of being an intermittent stream. Only those streams which have low flow conditions or water levels that preclude the attainment of recreation and the propagation of desirable species of fish and wildlife will be considered for classification as intermittent. At a minimum, the “General Criteria” of these Standards shall apply to all watercourses approved as intermittent streams.

An intermittent stream is defined as a natural watercourse which because of natural conditions of flow, width and depth preclude the attainment of recreational uses and the propagation of a balanced population of aquatic fauna. Such streams because of one or more of these conditions provide only an ephemeral aquatic habitat which is not conducive to the establishment of a balanced population of aquatic biota or to the support of recreational activities. This definition does not include those watercourses that contain enduring pools which support recreational uses and contain desirable species of aquatic biota or watercourses which are subject to tidal effects and may contain standing water with no flow during periods of slack tide.

In order for a stream to be considered for this excepted water use classification the stream must not have a sufficient drainage area to maintain a perennial flow and/or the 7Q10 for the stream must be less than a projected or measured 0.1 cfs. The no flow condition must be natural and not a result of man’s activities. The no flow condition is generally characterized by dry stream reaches during dry weather conditions; however, the watercourse may exhibit flow or contain pools for short periods after rainfall.

The state administrative authority and the EPA must approve and designate a stream for the intermittent classification. Candidate streams for intermittent status will be considered on a case-by-case basis. To be approved as intermittent, a watercourse must meet the conditions below:

1. The watercourse is not used as a source of public water supply.
2. The watercourse is not used for water contact recreation to any reasonable extent.
3. The watercourse is not used for preservation or prop-

agation of desirable species of aquatic biota such as indigenous species of fish, shellfish and wildlife to any reasonable extent and does not have a reasonable potential for such purposes as determined by the Louisiana Department of Wildlife and Fisheries.

In the event that a wastewater discharge is proposed for an approved and designated intermittent stream the following conditions must be met:

1. The discharge will not by itself or in conjunction with other discharges violate the “General Criteria” of State of Louisiana Water Quality Standards.

2. The discharge will not by itself or in conjunction with other discharges violate the numerical criteria of any perennial stream which receives water from an intermittent stream.

3. The discharge will be disinfected to protect from health hazards that may result from inadvertent primary contact.

E. MAN-MADE WATERCOURSES—Certain man-made watercourses may also be considered for application of an excepted water use. A man-made watercourse is defined as a ditch or canal or channelized stream created specifically for drainage or conveyance of water. Some natural streams have been channelized to such an extent that conveyance of water is the principal use of the watercourse precluding reasonable primary contact and fish and wildlife propagation. Such channelized streams may be considered under this policy. At a minimum, the “General Criteria” shall apply to all watercourses approved as man-made watercourses.

To be considered under this excepted use category, the watercourse shall meet the following conditions:

1. The watercourse is not used as a source of public water supply.

2. The watercourse is not used for water contact recreation to any reasonable extent.

3. The watercourse is not used for preservation or propagation of desirable species of aquatic biota such as indigenous species of fish, shellfish, and wildlife to any reasonable extent and does not have a reasonable potential for such purpose as determined by the Louisiana Department of Wildlife and Fisheries.

4. The only significant use of the watercourse is for drainage or water conveyance purposes, even though it may not drain completely during extended periods of dry weather.

Some man-made watercourses that produce new aquatic habitat and subsequently are populated by desirable aquatic species and/or develop some water contact recreational use may, on a case-by-case basis, still be considered for exception under this policy.

In the event that a wastewater discharge is proposed for an approved and designated man-made watercourse the following conditions must be met:

1. The discharge will not by itself or in conjunction with other discharges violate the “General Criteria” of State of Louisiana Water Quality Standards.

2. The discharge will not by itself or in conjunction with other discharges violate the numerical criteria of any perennial stream which receives water from the man-made watercourse.

3. The discharge will be disinfected to protect from health hazards that may result from inadvertent primary contact.

F. ERRORS—Errors resulting from inadequate or erroneous data, human or clerical errors will be subject to correction by the state, and the discovery of such errors does not render the remaining or unaffected Standards invalid.

G. SEPARABILITY—If any provisions of these Standards, or the application of any provision of these Standards to any person or circumstance are held invalid, the application of such provision to other persons or circumstances, and the remainder of the Standards shall not be affected thereby.

H. WATER QUALITY STANDARDS REVISION PROCESS—It is the position of the State of Louisiana that the Standards contained herein are those that are reasonable on the basis of the present or potential quality of our waters, present and future water uses, and the best practicable wastewater treatment under any conditions. However, Standards are not fixed for all time, but are subject to future revision. The nature of future revisions of these Standards will be strongly influenced by many factors. Among these are the following:

1. As a downstream or bordering state in all cases involving interstate streams, Louisiana's Standards will be affected by the quality of water received from its upstream and neighboring states.
2. As the furthest downstream state, Louisiana's water quality will be affected by mean low flows when interstate rivers and tributaries become subject to flow regulation and diversion projects.
3. Changes in technology and natural conditions may permit upgrading or relaxation of numerical criteria provided such relaxation does not affect the suitability of the water for designated uses. Any change proposed under this part will be consistent with state and federal regulations.

The state shall hold public hearings at least once every three years for the purposes of reviewing applicable Water Quality Standards and, as appropriate, modifying and adopting standards. The revised standards will be reviewed in accordance with the State Administrative Procedure Act and appropriate EPA procedures.

I. SAMPLING AND ANALYTICAL PROCEDURES—Procedures for securing samples to be used in analyses for determination of compliance with the standards shall be subject to the following requirements:

1. Samples will be obtained at a depth or depths representative of the average water quality at the sampling station in question.
2. In general, samples will be collected from established sampling stations to insure continuity in monitoring. In those cases where there are not sufficient established stations it may be necessary to establish additional new ones. This statement does not preclude sampling at other points in the conducting of field investigations or intensive stream surveys.
3. Collection and preservation of samples will be in accordance with accepted practices as specified in the Quality Assurance (QA) Plan for water monitoring developed under Section 106 of the Clean Water Act. The QA Plan is a written document which presents, in specific terms, the policies, organization, objectives, functional activities, and specific QA and quality control activities designed to assure representative samples and minimize alterations of the water prior to analyses.

Numerical values of the various parameters will be determined by analytical procedures prescribed by the Office. In general these procedures will follow the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation. Tests may also be in accordance with other acceptable methods which have proven to yield reliable data and meet with the approval of the Office and the EPA.

VI. WATER USE DESIGNATIONS

There are seven water use designations for surface waters in the State of Louisiana: (A) primary contact recreation, (B) secondary contact recreation, (C) fish and wildlife propagation, (D) public water supply, (E) shellfish propagation, (F) agriculture, and (G) outstanding natural resource waters. A description of each follows.

A. Primary Contact Recreation—is defined as any recreational or other water use in which there is prolonged and intimate

contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard such as swimming, water skiing, scuba diving, wading, and other similar activities.

B. Secondary Contact Recreation—is defined as any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial or recreational boating and any limited contact incident to shoreline activity.

C. Fish and Wildlife Propagation—includes the use of water for preservation and reproduction of aquatic biota such as indigenous species of fish and invertebrates as well as reptiles, amphibians and other wildlife associated with the aquatic environment.

D. Public Water Supply—refers to the use of water for human consumption and general household use. (See Section III - Definitions)

E. Shellfish Propagation—is the use of water to sufficiently maintain the health of biological systems which support commercially important species of shellfish primarily oyster, and to protect the health of human consumers of these shellfish.

F. Agriculture—involves the use of water for crop spraying, irrigation, livestock watering, poultry operations, and other farm purposes, not related to human consumption.

G. Outstanding Natural Resource Waters—includes areas designated for preservation, protection, reclamation or enhancement of wilderness and aesthetic qualities and ecological regimes, such as Louisiana natural and scenic streams, and waters within wildlife refuges.

VII. CRITERIA

A. Introduction—Criteria are elements of the Water Quality Standards which set general and numerical limitations on the permissible amount of a substance or other characteristics of waters of the state. Water quality criteria describe the chemical, physical, and biological characteristics of waters suitable for each of the designated stream uses. When a criterion for a substance is not violated, it will generally assure a level of water quality sufficient to support a designated use. These criteria are based on the best available scientific determinations.

Quality criteria for the waters of Louisiana are based on their present and potential uses and the existing water quality indicated in data accumulated through monitoring programs of the Office and other state and federal agencies. In some cases, adequate water quality and flow data to establish standards are not available. Criteria for these streams and waterbodies are established based upon the best information available.

Water quality criteria are appropriately modified to take into account local conditions. The Office maintains an extensive water quality monitoring network and also conducts frequent intensive stream surveys and special studies. Whenever data acquired from the above or other sources indicate that modification of a criterion is necessary, the Office will recommend revised criteria to the state administrative authority. Should the administrative authority concur with the need for revision, the revised criteria will be submitted to the EPA for approval and promulgated in accordance with established procedures including but not limited to the State Administrative Procedure Act.

B. General Criteria—The general criteria shall apply, except where specifically exempted elsewhere in these standards, at all times to the surface waters of the state whether identified in the standards or not. General criteria specifically apply to activities of man as opposed to natural causes.

1. Aesthetics—The waters of the state shall be maintained in an aesthetically attractive condition and shall meet the generally accepted aesthetic qualifications. All waters shall be free from such

concentrations of substances attributable to wastewater or other discharges sufficient to:

- (a) settle to form objectionable deposits;
- (b) float as debris, scum, oil, or other matter to form nuisances;
- (c) result in objectionable color, odor, taste, or turbidity;
- (d) injure, be toxic or produce demonstrated adverse physiological response in humans, animals, fish, shellfish, wildlife, or plants; or,
- (e) produce undesirable or nuisance aquatic life.

2. **Color**—Water color shall not be increased to the extent that it will interfere with present usage or projected future use of the state's waterbodies.

- (a) waters shall be free from significant increases over natural background color levels;
- (b) a source of public water supply shall not exceed 75 color units on the platinum-cobalt scale and
- (c) no increases in true or apparent color shall reduce the level of light penetration below that required by desirable indigenous species of aquatic life.

3. **Floating, Suspended and Settleable Solids**—There shall be no substances present in concentrations sufficient to produce distinctly visible solids or scum, nor shall there be any formation of long term bottom deposits of slimes or sludge banks attributable to waste discharges from municipal, industrial, or other sources including agricultural practices, mining, dredging and the exploration for and production of oil and natural gas. The administrative authority may determine to exempt certain short-term activities which are permitted under Sections 402 or 404 or certified under Section 401 of the Clean Water Act, such as maintenance dredging of navigable waterways or other short-term activities determined by the state as necessary to accommodate legitimate uses or emergencies or to protect the public health and welfare.

4. **Taste and Odor**—Taste and odor producing substances shall be limited to concentrations in the waters of the state that will not interfere with the production of potable water by conventional water treatment methods, or impart unpalatable flavor to food fish, including shellfish, or result in offensive odors arising from the waters, or otherwise interfere with the designated water uses.

5. **Toxic Substances**—Shall not be present in quantities that alone or in combination will be toxic to plant or animal life. Concentrations of persistent toxic substances for which no numerical criteria are given in the Standards shall not exceed the 96-hour LC50/100 (one-hundredth of the 96-hour LC50). Persistent toxic substances are defined herein as refractory substances subject to very limited or no biodegradation and/or detoxification and subject to food chain bioaccumulation; they include but are not limited to pesticides, PCB's and heavy metals that are designated by EPA as priority pollutants. Concentrations of non-persistent, biodegradable toxic substances for which no numerical criteria are given in the standards, shall not exceed the 96-hour LC50/10 (one-tenth of the 96-hour LC50). Bioassay techniques comparable with those given in the latest edition of Standard Methods for the Examination of Water and Wastewater will be used in evaluating toxicity using specific methods, dilutions, and species of aquatic animals best suited to the area of concern.

6. **Oil and Grease**—There shall be no free or floating oil or grease present in sufficient quantities to interfere with the designated uses, nor shall emulsified oils be present in sufficient quantities to interfere with the designated water uses.

7. **Foaming or Frothing Materials**—None of a persistent nature.

8. **Nutrients**—The naturally occurring nitrogen-phosphorous ratio shall be maintained. Because regulation of nitrates and

phosphates alone may not be adequate to protect waters from eutrophication, no substance shall be added to any surface water which produces aquatic growth to the extent that such growths create a public nuisance or interfere with designated water uses. Detailed studies of the naturally occurring levels of the various macro- and micronutrients will be utilized by the state to establish numerical limits for nutrients. This shall not apply to those waterbodies determined to be intermittent or man-made as defined in the Standards.

9. **Turbidity**—Turbidity other than that of natural origin shall not cause substantial visual contrast with the natural appearance of the waters of the state or impair any designated water use. Turbidity shall not significantly exceed background where background is defined as the natural condition of the water. Determination of background will be on a case-by-case basis.

As a guideline, maximum turbidity levels, expressed as nephelometric turbidity units (NTU), are established and shall apply for the following named waterbodies and major aquatic habitat types of the state:

(1) Red, Mermentau, Atchafalaya, Mississippi, and Vermilion Rivers and Bayou Teche: 150 NTU.

(2) Estuarine lakes, bays, bayous and canals: 50 NTU.

(3) Amite, Pearl, Ouachita, Sabine, Calcasieu, Tangipahoa, Tickfaw and Tchefuncte Rivers: 50 NTU.

(4) Freshwater lakes, reservoirs and oxbows: 25 NTU.

(5) Designated scenic streams and outstanding natural resource waters: 25 NTU.

(6) For other state waters not included in 1-5 above, and in stream segments where natural background turbidity exceeds the values in 1-5 above, turbidity in NTU caused by any point source discharge shall be restricted to the appropriate background value plus 10 percent.

The administrative authority may determine to exempt certain activities for short periods of time which are permitted under Sections 402 or 404 or certified under Section 401 of the Clean Water Act such as maintenance dredging of navigable waterways or other short-term activities determined by the state as necessary to accommodate legitimate uses or emergencies or to protect the public health and welfare.

10. **Other Substances and Characteristics**—General criteria on other substances and characteristics not specified in these Water Quality Standards shall be in accordance with established procedures including but not limited to the State Administrative Procedure Act.

C. **Numerical Criteria**—Numerical criteria identified in the numerical criteria tables apply to the specified waterbodies, and their tributaries, distributaries, and ancillary streams and waterbodies if they are not specifically named therein. Those waterbodies which are officially approved and designated by the state and EPA as intermittent streams or man-made watercourses are excluded. Numerical criteria specifically apply to water quality conditions of the surface waters of the state that are attributed to waste discharges or activities of man as opposed to natural conditions.

1. **pH**—The pH shall fall within the range of 6.0 to 9.0 unless natural conditions exceed this range or where otherwise specified in the tables. No discharge of wastes shall cause the pH of the waterbody to vary by more than one pH unit within the specified pH range for that segment where the discharge occurs.

2. **Chlorides, Sulfates, & Total Dissolved Solids**—Numerical criteria for these parameters generally represent the arithmetic mean of the nearest existing data plus one standard deviation. For estuarine stream segments in the numerical criteria tables which have no listed criteria (i.e. designated N/A), criteria will be established on a case-by-case situation based on field determination of ambient conditions and the designated water uses. Some stream

segments have been assigned interim numerical criteria pending the collection of long term data. Interim criteria, however, shall be the applicable standard until long term data becomes available. Revised criteria for these segments will be provided as this data becomes available. Criteria may eventually be set lower or higher depending on results of data analyses. Interim criteria are denoted by an asterisk (*) in the numerical tables. For tributary, distributary and ancillary streams and waterbodies not specifically listed in the numerical criteria tables, increases over background levels of chlorides, sulfates and total dissolved solids may be permitted. Such increases will be at the discretion of the Office on a case-by-case basis and shall not cause instream concentrations to exceed 250, 250 and 500 mg/L for chlorides, sulfates and total dissolved solids, respectively. Such increases, in addition to background conditions shall consider effects on resident biota and downstream waterbodies. Under no circumstances, shall an allowed increase induce a violation of any numerical criteria in any listed waterbody or a violation of any other general or numerical criteria in either listed or unlisted waterbodies.

3. Dissolved Oxygen—The following dissolved oxygen (DO) values represent minimum values for the type of water specified. For short periods of time in freshwater, a nocturnal (nightly) variation below the standard specified may occur. This accommodates the natural reduction in photosynthetic activity and oxygen production by plants that occurs during hours of darkness. However, no waste discharge or activity of man shall lower the dissolved oxygen concentration to the point where the variation falls below the specified minimum.

(a) Fresh Water—For a diversified population of warm-water biota including sport fish, the daily (daytime) DO concentration shall be at/or above 5 mg/L assuming normal seasonal and daily variations are above this concentration. Individual measurements may range between five and four mg/L for short nocturnal (nighttime) periods, not to exceed eight hours. These values shall apply except where the Office determines that dystrophic waters or other natural oxygen-deficient waters exist or where otherwise provided for in these standards.

(b) Estuaries and Tidal Tributaries—Dissolved oxygen concentrations in estuaries and tidal tributaries shall not be less than four mg/L at any time except where natural conditions cause levels to be lower or where otherwise provided for in these standards.

(c) Coastal Marine Waters (Nearshore Gulf of Mexico)—Dissolved Oxygen concentrations in surface coastal waters shall not be less than five mg/L except when upwellings and other natural phenomena cause this value to be lower.

4. Temperature—The temperature standards enumerated in the tables, in most cases, represent maximum values obtained from existing data. However, in a few cases a limited number of unusually high temperatures in the range of 35° to 36°C (95-97°F) have been deleted as it is felt that these values were recorded during conditions of unseasonably high temperatures and/or unusually low flows or water levels, and, therefore, do not represent normal maximum temperatures.

The standard shall consist of two parts, a temperature differential and a maximum temperature. The temperature differential represents the maximum permissible increase above ambient conditions. There shall be no additional artificial heat added once the ambient temperature reaches the maximum temperature specified in the standards except under natural conditions such as unusually hot, dry weather as provided for below.

(a) **Fresh Water**

(1) Maximum of 2.8°C (5°F) rise above ambient for streams and rivers.

(2) Maximum of 1.7°C (3°F) rise above ambient for lakes and reservoirs.

(3) Maximum Temperature - 32.2°C (90°F) except where otherwise listed in the tables. Maximum temperature shall be varied on a case-by-case basis to allow for the effects of natural conditions such as unusually hot and/or dry weather.

(b) **Estuarine and Coastal Waters**

(1) Maximum of 2.2°C (4°F) rise above ambient during the period October through May.

(2) Maximum 0.83°C (1.5°F) during the period June through September.

(3) Maximum Temperature - 35°C (95°F) except when natural conditions elevate temperature above this level.

These temperature criteria shall not apply to privately owned reservoirs, or reservoirs constructed solely for industrial cooling purposes.

5. Bacteria—The bacterial criteria applicable to a particular stream segment depend upon the use designation of that individual stream segment. Limitations are placed on either the most probable number (MPN) fecal or total coliform concentration or a combination of both in order to achieve the stream sanitary quality required for the most restrictive designated use classification.

The tables in this document listing applicable criteria for each individual Louisiana stream segment designate one of the following four criteria as applicable according to present and/or anticipated water usage of the segment:

(a) Primary Contact Recreation—Based on a minimum of not less than 5 samples taken over not more than a 30-day period, the fecal coliform content shall not exceed a log mean of 200/100 mL nor shall more than 10 percent of the total samples during any 30-day period exceed 400/100 mL.

(b) Secondary Contact Recreation—Based on a minimum of not less than 5 samples taken over nor more than a 30-day period, the fecal coliform content shall not exceed a log mean of 1,000/100mL nor shall more than ten percent of the total samples during any 30-day period equal or exceed 2,000/100mL.

(c) Public Water Supply—The monthly arithmetic mean of total coliform most probable number (MPN) shall not exceed 10,000/100 mL, nor shall the monthly arithmetic mean of fecal coliforms exceed 2,000/100 mL.

(d) Shellfish Propagation—The fecal coliform median MPN shall not exceed 14 fecal coliforms per 100 mL., and not more than ten percent of the samples shall ordinarily exceed an MPN of 43 per 100 mL. for a five-tube decimal dilution test in those portions of the area most probably exposed to fecal contamination during the most unfavorable hydrographic and pollution conditions.

6. Toxic Substances—The issue of toxic substances has been addressed in the general criteria. However, this section will go beyond the general criteria and present numerical criteria for 11 substances that are of particular concern to the state. These substances were selected for human health considerations, taste and odor problems, persistence and bioaccumulative capabilities and potential negative effects on aquatic biota. All toxic substances criteria are based on the following publications of the Environmental Protection Agency: (1) 1976. Quality Criteria for Water. (Commonly known as the "Red Book"). (2) 1980. Ambient Water Quality Criteria. (Revised criteria for several parameters listed in the "Red Book".)

(a) **Phenols**

Fresh Water

The ambient water quality criterion for phenols as detected by the 4-aminoantipyrine (4AAP) method is: 50 ug/L

Marine Water

The ambient water quality criterion for phenols as detected by the 4AAP method is: 440 ug/L

Public Water Supply

The ambient water quality criterion for phenols in any wa-

terbody designated as a public water supply as detected by the 4AAP method is: 5 ug/L

The ambient water quality criterion for chlorinated phenols in any waterbody designated as a public water supply as detected by instrumental methods such as gas chromatography is as follows:

- (1) For 2-, 3-, and 4-chlorophenol: 0.1 ug/L
- (2) For 2, 5-dichlorophenol: 0.5 ug/L
- (3) For 2, 6-dichlorophenol: 0.2 ug/L
- (4) For 3, 4- and 2, 4-dichlorophenol: 0.3 ug/L
- (5) For 2, 3-dichlorophenol: 0.04 ug/L

(b) **DDT and Metabolites**

Fresh Water

The ambient water quality criterion not to be exceeded at anytime is as follows:

DDT	TDE (DDD)	DDE
1.1 ug/L	0.6 ug/L	1,050 ug/L

For DDT, the criterion expressed as a 24-hour average is: 0.001 ug/L

Marine Water

The ambient water quality criterion not to be exceeded at anytime is as follows:

DDT	TDE (DDD)	DDE
0.13 ug/L	3.6 ug/L	14 ug/L

For DDT, the criterion expressed as a 24-hour average is 0.001 ug/L

Public Water Supply

The ambient water quality criterion for DDT is: 0.24 ng/L

(c) **Endrin**

Fresh Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0023 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 0.18 ug/L

Marine Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0023 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 0.037 ug/L

Public Water Supply

The ambient water quality criterion is: 1.0 ug/L

(d) **Polychlorinated Biphenyls (PCB's)**

Fresh Water

The ambient water quality criterion expressed as a 24-hour average is: 0.014 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 2.0 ug/L

Marine Water

The ambient water quality criterion expressed as a 24-hour average is: 0.030 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 10.0 ug/L

Public Water Supply

The ambient water quality criterion is: 0.79 ng/L

(e) **Toxaphene**

Fresh Water

The ambient water quality criterion expressed as a 24-hour average is: 0.013 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 1.6 ug/L

Marine Water

The ambient water quality criterion not to be exceeded at anytime is: 0.070 ug/L

Public Water Supply

The ambient water quality criterion is: 7.1 ng/L

(f) **Dieldrin**

Fresh Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0019 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 2.5 ug/L

Marine Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0019 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 0.71 ug/L

Public Water Supply

The ambient water quality criterion is: 0.71 ng/L

(g) **Aldrin**

Fresh Water

The ambient water quality criterion not to be exceeded at anytime is: 3.0 ug/L

Marine Water

The ambient water quality criterion not to be exceeded at anytime is: 1.3 ug/L

Public Water Supply

The ambient water quality criterion is: 0.74 ng/L

(h) **Chlordane**

Fresh Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0043 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 2.4 ug/L

Marine Water

The ambient water quality criterion expressed as a 24-hour average is: 0.0040 ug/L

The ambient water quality criterion not to be exceeded at anytime is: 0.09 ug/L

Public Water Supply

The ambient water quality criterion is: 4.6 ng/L

(i) **Chlorophenoxy Herbicides**

- (1) 2, 4-D: (2, 4 - dichlorophenoxy) acetic acid

The ambient water quality criterion for a watercourse used as a public water supply is: 100 ug/L

- (2) 2, 4, 5-TP: Silvex, 2-(2, 4, 5-trichlorophenoxy) propionic acid

The ambient water quality criterion for a watercourse used as a public water supply is: 10 ug/L

(j) **Benzene**

Public Water Supply

The ambient water quality criterion for any waterbody used as a public water supply is: 6.6 ug/L

(k) **Benzidine**

Public Water Supply

The ambient water quality criterion for any waterbody used as a public water supply is: 1.2 ng/L

VIII. APPLICATION OF STANDARDS

A. Background—Water Quality Standards set forth in this document specify concentrations of water constituents which, if not exceeded, are expected to result in an aquatic ecosystem suitable for the highest designated uses given. These values (criteria) are derived for individual water segments based upon the designated use or uses of the segment and the natural qualities of the waters.

An established water quality value (criterion) represents the maximum concentration (with the exception of dissolved oxygen and pH) of a constituent in a stream segment that is allowed by the state. For some toxic substances, however, criteria represent both maximum and average or chronic concentrations allowed. Criteria apply at all times except where natural conditions cause them to be exceeded. All uses, nonpoint pollution sources, natural con-

ditions and the water quality criteria are considered in the Office's determination of appropriate permit limits for each wastewater discharge to a stream segment.

The difference between the ambient concentration and the water quality criterion value should not be construed as the amount of a constituent that can be discharged by the user. This difference represents the maximum amount of a constituent that may be allowed by the Office in a stream from all users and other sources. The Office will determine the amount of a constituent that will be allowed in a given stream segment.

B. Flow Conditions—Except where indicated elsewhere in this document, the Water Quality Standards shall apply during all flow conditions. (See Intermittent Stream Policy, Section V D)

C. List of State and EPA Approved Intermittent Streams and Man-Made Watercourses

	Name	Parish	Management Basin	Description
1.	Barnes Creek	Beauregard	Calcasieu	Headwaters to entrance of Little Barnes Creek.
2.	Gray's Creek	Livingston	Lake Pontchartrain	Headwaters to Hwy. 1033 Bridge.
3.	Irish Ditch*	Rapides	Vermilion-Teche	Unnamed ditch to Irish Ditch (Ditch No. 1) to Big Bayou to Irish Ditch No. 2 to confluence with Bayou Rapides.
4.	Beaver Creek	Evangeline	Mermentau	Headwaters to the confluence with Boggy Creek.
5.	Turkey Creek	Franklin	Ouachita	Headwaters of Turkey Creek to Glade Slough to Turkey Creek cut-off and Turkey Creek cut-off from Turkey Creek to Big Creek.

*Man-made watercourse

D. Mixing Zones—Mixing zones are those portions of waterbodies where effluent waters are dispersed into receiving waters. They are exempted from criteria for those substances that are rendered non-toxic by dilution, dissipation or transformation. Mixing zones must, however, be defined and have identifiable limits, and the waters outside of mixing zones must meet the Standards for that particular body of water. Mixing must be accomplished as quickly as possible to insure that the waste is mixed with the allocated dilution water in the smallest practicable area.

A mixing zone shall not significantly affect a nursery area for aquatic life or habitat for waterfowl nor any area approved by the state for shellfish harvesting. A mixing zone shall not include an existing public water supply intake nor include any other existing water supply intake if such mixing zone would significantly impair the purposes for which the supply is utilized.

Mixing zones must be free of the following:

- (1) Floating debris, oil, scum, and other material in concentrations that constitute a nuisance
- (2) Substances in concentrations which produce undesirable or nuisance aquatic life
- (3) Materials in concentrations that will cause acute toxicity to aquatic life. Acute toxicity refers to aquatic life lethality, such as fish kills, caused by the passage through a mixing zone of migrating fish moving up or downstream, or by less mobile forms drifting through a mixing zone.

The state shall on a case-by-case basis specify definable, geometric limits for mixing zones. Applicable limits shall include but

may not be limited to the linear distances from point source discharges, surface area involvement, volume of receiving water and taking into account other nearby mixing zones.

As a guideline the mixing zone in canals, rivers, streams, and other flowing waterbodies, shall be no more than one-third the width of the receiving stream at the point of discharge. A mixing zone shall not overlap another mixing zone in such a manner, or be so large, as to impair any designated water use in the receiving stream when considered as a whole.

In lakes, estuaries, bays, lagoons, and sounds, the area of mixing shall not be so large as to cause impairment of a designated use and will be defined by the Office on a case-by-case basis.

E. Zones of Passage—In rivers, streams, reservoirs, lakes, estuaries and coastal waters, zones of passage are continuous water routes of the volume, area and quality necessary to allow pas-

sage of free-swimming and drifting organisms with no significant effects on their populations. These zones must be provided wherever mixing zones are allowed.

Because of varying local physical and chemical conditions and biological phenomena, no single value can be given on the percentage of stream width necessary to allow passage of critical free-swimming and drifting organisms so that negligible or no effects are produced on their populations. However, except when otherwise specified in a valid wastewater discharge permit, the mixing zone will be limited to no more than one-third of the width of the receiving stream leaving at least two-thirds free as a zone of passage.

F. Exceptions—The Standards shall not apply to:

- (1) Effluents
- (2) A valid state wastewater discharge permit and/or a National Pollution Discharge Elimination System Permit.

IX. REFERENCES

American Public Health Association. 1980. Standard Methods for the Examination of Water and Wastewater. Published jointly with the American Water Works Association and the Water Pollution Control Federation. 15th Edition. 1134p.

American Fisheries Society. 1979. A Review of the EPA Red Book: Quality Criteria for Water. Water Quality Section. Bethesda, Maryland 313p.

Environmental Protection Agency. 1976. Quality Criteria for Water. Washington, D.C. 256p.

Environmental Protection Agency. 1980. Ambient Water Quality Criteria. EPA Series No. 440/5-80. Washington, D.C.

X. NUMERICAL CRITERIA TABLES

A. ALPHABETICAL LISTING
OF
STREAM SEGMENTS INCLUDED IN NUMERICAL CRITERIA TABLES

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Adams Bay (See Bastian Bay)	Plaquemines	54
Amite River	East Feliciana	60
Anacoco Creek - Headwaters to Cypress Creek	Vernon	96
Anacoco Creek - Cypress Creek to Sabine River	Vernon	96
Anacoco Lake (See Anacoco Creek)	Vernon	96
Atchafalaya Bay and Delta and Gulf Waters	St. Mary	50
Atchafalaya River - Headwaters to Morgan City	Avoyelles	50
Atchafalaya River - Morgan City to Atchafalaya Bay	St. Mary	50
Baptiste Collette	Plaquemines	78
Barataria Bay	Plaquemines	52
Barnes Creek - Little Barnes Creek to Calcasieu River	Allen	56
Bashman Bayou	St. Bernard	66
Bastian Bay	Plaquemines	54
Bay Batiste (See Barataria Bay)	Plaquemines	52
Bay Boudreau	St. Bernard	68
Bay Gardene	Plaquemines	68
Bay Jacques (See Bastian Bay)	Plaquemines	54
Bay Long (See Barataria Bay)	Plaquemines	52
Bayou Bartholomew	Morehouse	80
Bayou Beaucoup	Winn	84
Bayou Bienvenue	Orleans	64
Bayou Black	Terrebonne	98
Bayou Blue	Lafourche	104
Bayou Bodcau	Webster	92
Bayou Boeuf	Lafourche	52
Bayou Boeuf (See Bayou Cocodrie)	Rapides	72
Bayou Boeuf	St. Mary	98
Bayou Bonfouca	St. Tammany	62
Bayou Bonne Idee	Morehouse	80
Bayou Carlin	Iberia	72
Bayou Castor	Jackson	84
Bayou Chaperon	St. Bernard	64
Bayou Chauvin	Terrebonne	102
Bayou Chevreuil (See Bayou Verret)	St. James	52
Bayou Choctaw	West Baton Rouge	98
Bayou Choupique	Calcasieu	58
Bayou Citamon (See Bayou Verret)	St. James	52
Bayou Cocodrie	Rapides	74
Bayou Cocodrie	Concordia	94
Bayou Courtableau (See Bayou Cocodrie)	St. Landry	72
Bayou D'Arbonne	Claiborne	80
Bayou Des Allemands	St. John the Baptist	52
Bayou Des Cannes	Evangeline	70
Bayou Des Glaises	Avoyelles	76

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Bayou De Siard	Ouachita	80
Bayou D'Inde	Calcasieu	58
Bayou Dorcheat	Webster	90
Bayou Dulac	Avoyelles	76
Bayou du Large	Terrebonne	100, 102
Bayou Dupre	St. Bernard	64
Bayou Gauche	St. Charles	52
Bayou Gentilly	Plaquemines	68
Bayou Grosse Tete	Pointe Coupee	102
Bayou Goula (See Lower Grand River)	Iberville	102
Bayou Grand Caillou	Terrebonne	102
Bayou Kisatchie	Natchitoches	94
Bayou LaBranche	St. Charles	64
Bayou Lacombe	St. Tammany	62
Bayou Lafourche	Ouachita	82
Bayou Lafourche - Donaldsonville to Larose	Assumption	54
Bayou Lafourche - Larose to Yankee Canal	Lafourche	54
Bayou Lafourche - Yankee Canal to Gulf of Mexico	Lafourche	54
Bayou La Loutre	St. Bernard	66
Bayou Liberty	St. Tammany	62
Bayou Louis	Catahoula	82
Bayou L'Ours (See Bayou Boeuf)	Lafourche	52
Bayou L'Outre	Union	80
Bayou Macon	West Carroll	82
Bayou Mallet	St. Landry	70
Bayou Manchac	East Baton Rouge	60
Bayou Nantaches	Winn	92
Bayou Nezpique	Allen	70
Bayou Penchant	Terrebonne	98
Bayou Petit Caillou	Terrebonne	102
Bayou Petite Anse	Iberia	72
Bayou Pierre	Caddo	92
Bayou Plaquemine	Iberville	102
Bayou Plaquemine Brule	St. Landry	70
Bayou Portage	Point Coupee	98
Bayou Poydras	West Baton Rouge	98
Bayou Queue de Tortue	Acadia	70
Bayou Rigolets	Jefferson	52
Bayou Sara	West Feliciana	78
Bayou St. John	Orleans	62
Bayou Sauvage	Orleans	64
Bayou Segnette	Jefferson	52
Bayou Teche - Headwaters to Keystone Locks and Dam	St. Landry	74
Bayou Teche - Keystone Locks and Dam to Charenton Canal	St. Martin	74
Bayou Teche - Charenton Canal to Wax Lake Outlet	St. Martin	74
Bayou Teche - Berwick to Wax Lake Outlet	St. Mary	50
Bayou Terre aux Boeufs	St. Bernard	68
Bayou Terrebonne - Thibodaux to Bourg at Company Canal	Terrebonne	98

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Bayou Terrebonne - Company Canal to Lake Barre	Terrebonne	98
Bayou Tigre	Vermillion	72
Bayou Toro	Sabine	96
Bayou Trepagnier	St. Charles	62
Bayou Verret	St. James	52
Beckwith Creek	Beauregard	58
Belle River (See Lower Grand River)	Assumption	102
Big Colewa Bayou (See Big Creek)	West Carroll	82
Big Creek	Richland	82
Big Creek	Grant	84
Big Saline Bayou	Rapides	94
Big Silver (See Bogue Chitto River)	Washington	88
Black Bay	Plaquemines	68
Black Bayou	Caddo	90
Black Bayou	Calcasieu	96
Black Bayou	Bossier	90
Black Bayou Lake (See Black Bayou)	Caddo	90
Black Lake	Cameron	58
Black Lake (See Black Lake Bayou)	Natchitoches	92
Black Lake Bayou	Bienville	92
Black River - Jonesville to Corps of Engineers Control Structure (At 25, Serena)	Catahoula	84
Black River - Corps of Engineers Control Structure to Red River	Catahoula	84
Blind River	St. James	60
Bodcau Reservoir (See Bayou Bodcau)	Bossier	92
Boeuf River	Morehouse	80
Boggy Bayou (See Bayou Pierre)	Caddo	92
Bogue Chitto River	Washington	88
Bogue Falaya River	St. Tammany	62
Bogue Lusa Creek	Washington	88
Bonner Creek (See Bogue Chitto River)	Washington	88
Bradley Slough	St. Tammany	88
Breton Sound (See Black Bay)	Plaquemines	68
Buhlow Lake	Rapides	94
Bundicks Creek	Beauregard	56
Bundicks Lake (See Bundicks Creek)	Beauregard	56
Caddo Lake	Caddo	90
Caillou Bay	Terrebonne	98
Calcasieu River - Headwaters to Confluence with Marsh Bayou	Rapides	56
Calcasieu River - Confluence with Marsh Bayou to Saltwater Barrier	Calcasieu	56
Calcasieu River - Salt Water Barrier to Moss Lake	Calcasieu	56
Calcasieu River - Moss Lake to Gulf of Mexico	Calcasieu	56
California Bay (See Black Bay)	Plaquemines	68
Caminada Bay (See Barataria Bay)	Lafourche	52
Cane River	Natchitoches	92
Caney Creek	Webster	90
Caney Lake (See Caney Creek)	Webster	90
Catahoula Lake (See Little River)	LaSalle	86

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Catahoula Lake Diversion Channel	LaSalle	84
Chamberlin Canal	West Baton Rouge	98
Chandeleur Sound	St. Bernard	68
Chappapella Creek	Tangipahoa	62
Charenton Canal - Lake Fausse Point to Bayou Teche	St. Mary	74
Charenton Canal - Bayou Teche to Intracoastal Waterway	St. Mary	74
Charenton Canal - Intracoastal Waterway to West Cote Blanche Bay	St. Mary	76
Chatham Lake (See Bayou Castor)	Jackson	84
Chef Menteur Pass (See Rigolets)	Orleans	64
Cheniére Creek	Ouachita	80
Chicot Lake (See Bayou Des Cannes)	Evangeline	70
Clear Lake (See Black Lake Bayou)	Natchitoches	92
Cocodrie Lake	Rapides	72
Cocodrie Lake	Concordia	92
Colyell Creek	Livingston	60
Comite River	East Feliciana	60
Contraband Bayou	Calcasieu	56
Coquette Bay (See Bastian Bay)	Plaquemines	54
Corney Bayou	Union	80
Corney Lake (See Corney Bayou)	Claiborne	80
Cotile Reservoir	Rapides	94
Crains Creek	Washington	88
Cross Bayou	Caddo	90
Cross Lake (See Cross Bayou)	Caddo	90
Cypress Bayou (See Black Bayou)	Bossier	92
Cypress Creek	Lincoln	80
D'Arbonne Lake (See Bayou D'Arbonne)	Union	80
Darlington Creek (See Amite River)	St. Helena	60
Dauterive Lake (See Lake Fausse Point)	St. Martin	74
Drum Bay	St. Bernard	66
Dugdemonia River	Jackson	84
East Cote Blanche Bay	St. Mary	76
East Pearl River-Holmes Bayou to I-10	St. Tammany	88
East Pearl River I-10 to Lake Borgne	St. Tammany	88
Eloi Bay	St. Bernard	66
English Bayou	Calcasieu	58
False River Lake	Pointe Coupee	98
Fish Creek	Grant	84
Flat Creek	Winn	84
Flat River	Bossier	92
Four League Bay (See Lake Hache)	Terrebonne	100
Franklin Canal	St. Mary	74
Freshwater Bayou Canal	Vermilion	72
Grand Bayou (See Bayou Verret)	Lafourche	52
Grand Bayou (See Lower Grand River)	Assumption	102
Grand Lake (See Atchafalaya River)	St. Mary	52
Grand Lake	Cameron	70
Grand Pass (See Tiger Pass)	Plaquemines	78

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Gray's Creek - Highway 1033 to Amite River	Livingston	60
Hackberry Bay (See Barataria Bay)	Lafourche	52
Hemphill Creek	LaSalle	84
Hickory Creek	Calcasieu	58
Holmes Bayou	St. Tammany	88
Houma Navigation Canal	Terrebonne	98
Houston River	Calcasieu	58
Iatt Lake (See Rigolette Bayou)	Grant	92
Indian Creek Reservoir	Rapides	72
Inner Harbor Navigation Canal	Orleans	64
Intracoastal Waterway (North-South) - Morgan City - Port Allen Route	Iberville	50
Intracoastal Waterway (East-West) - Bayou Boeuf Lock to Bayou Sale	St. Mary	50
Intracoastal Waterway (East-West) - Larose to Mississippi River	Lafourche	52
Intracoastal Waterway (East-West) - Sabine River to Calcasieu Lock	Calcasieu	58
Intracoastal Waterway (East-West) - Calcasieu Lock to Vermilion Lock	Cameron	76
Intracoastal Waterway (East-West) - Vermilion Lock to Boston Bayou	Vermilion	76
Intracoastal Waterway (East-West) - Boston Bayou to New Iberia Southern Drainage Canal	Vermilion	76
Intracoastal Waterway (East-West) - New Iberia Southern Drainage Canal to Bayou Sale	Iberia	76
Intracoastal Waterway - Mississippi River to Mississippi State Line	Orleans	64
Intracoastal Waterway (East-West) - Bayou Boeuf Lock to Larose	St. Mary	98
Intracoastal Waterway (North-South) - Port Allen to Bayou Sorrel	W. Baton Rouge	102
James Bayou	Caddo	90
Joe's Bayou	East Carroll	82
Kelly Bayou	Caddo	90
Kepler Creek	Bienville	92
Kepler Lake (See Kepler Creek)	Bienville	92
Lacassine Bayou	Jeff Davis	70
Lake Barre	Terrebonne	100
Lake Bartholomew (See Bayou De Siard)	Ouachita	80
Lake Borgne	St. Bernard	66
Lake Borgne Canal	St. Bernard	66
Lake Boudreaux (See Bayou Chauvin)	Terrebonne	102
Lake Boeuf (See Bayou Boeuf)	Lafourche	52
Lake Bruin	Tensas	82
Lake Cataouatche	St. John the Baptist	52
Lake Charles	Calcasieu	56
Lake Claiborne (See Bayou D'Arbonne)	Claiborne	80
Lake Concordia	Concordia	82
Lake DeCade (See Lake Hache)	Terrebonne	100
Lake Des Allemands	St. John the Baptist	52

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Lake Edwards	DeSoto	92
Lake Fausse Point	Iberia	74
Lake Fields	Lafourche	104
Lake Hache, Lake Theriot	Terrebonne	100
Lake LaFortuna	St. Bernard	66
Lake Lery	St. Bernard	68
Lake Louis	Catahoula	82
Lake Maurepas	Livingston	60
Lake Nantaches (See Bayou Nantaches)	Grant	90
Lake Palourde	St. Mary	98
Lake Pearl	Avoyelles	76
Lake Peigneur	Iberia	72
Lake Pelto	Terrebonne	100
Lake Penchant (See Bayou Penchant)	Terrebonne	100
Lake Petite	Plaquemines	58
Lake Pontchartrain - West of Hwy. 11 Bridge	Orleans	64
Lake Pontchartrain - East of Hwy. 11 Bridge	Orleans	64
Lake Providence	East Carroll	82
Lake Salvador	St. Charles	52
Lake Silver (See Bogue Chitto River)	Washington	88
Lake St. Catherine	Orleans	64
Lake St. John	Concordia	82
Lake St. Joseph	Tensas	82
Lake Vernon (See Anacoco Creek.)	Vernon	94
Lake Verret	Assumption	98
Larto Lake (See Saline Bayou.)	Catahoula	92
Lawrence Creek (See Bogue Chitto River)	Washington	88
Little Corney Bayou	Union	80
Little Lake	Jefferson	52
Little Pecan Bayou	Cameron	70
Little River - Confluence of Bayou Castor and Dugdemona River to Junction with Bear Creek	LaSalle	82
Little River - Dam at Archie to Ouachita River	Catahoula	84
Little River - Junction with Bear Creek to Dam at Archie (Includes Catahoula Lake)	LaSalle	86
Little River - Headwaters to West Fork Calcasieu River	Calcasieu	58
Loggy Bayou	Bossier	90
Loreauville Canal	Iberia	74
Lost Bayou	Plaquemines	68
Lost Lake (See Lake Hache)	Terrebonne	100
Lower Grand River	Iberville	100
Lower Flat River	Iberville	100
Main Pass (See South Pass.)	Plaquemines	78
Marengo Bend	Concordia	82
Mermentau River - Town of Mermentau to Grand Lake	Jeff Davis	70
Mermentau River - Control Structure to Gulf of Mexico	Cameron	70
Middle Fork of Bayou D'Arbonne (See Bayou D'Arbonne)	Claiborne	80
Middle Pearl River (See West Pearl River)	St. Tammany	88

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Mill Creek	Allen	56
Mississippi River - Arkansas State Line to Old River Control Structure	East Carroll	78
Mississippi River - Old River Control Structure to Monte Sano Bayou	Pointe Coupee	78
Mississippi River - Monte Sano Bayou to Head of Passes	East Baton Rouge	78
Mississippi River - Head of Passes to Mouth of Passes	Plaquemines	78
Mississippi River Gulf Outlet	Plaquemines	66
Morgan Harbor	St. Bernard	66
Moss Lake	Calcasieu	56
Natchitoches River (See Ponchatoula River)	Livingston	60
New Iberia Southern Drainage Canal	Iberia	74
North Pass (See South Pass)	Plaquemines	78
Old River (Catahoula Lake to Little River)	LaSalle	84
Old River	Avoyelles	92
Old River Lake	West Feliciana	78
Old Saline Bayou	Avoyelles	94
Ouachita River - Arkansas State Line to Columbia (Mile 117)	Union	80
Ouachita River - Columbia to Jonesville	Caldwell	80
Pass Manchac	Tangipahoa	60
Pearl River - Mississippi State Line to Holmes Bayou	Washington	88
Peters Creek	Washington	88
Pirogue Bayou	St. Bernard	66
Ponchatoula River, Ponchatoula Creek below I-12	Tangipahoa	60
Prien Lake	Calcasieu	56
Pushepatapa Creek	Washington	88
Quapaw Bayou	Caddo	90
Red Chute Bayou (See Bayou Bodcau)	Bossier	92
Red Pass (See Tiger Pass)	Plaquemines	78
Red River	Caddo	90
Rigolets	St. Tammany	64
Rigolette Bayou	Rapides	92
River aux Chenes	Plaquemines	68
Sabine Lake	Cameron	96
Sabine River - Toledo Bend Reservoir to Toledo Bend Dam	Sabine	96
Sabine River - Toledo Bend Dam to Confluence with Old River	Vernon	96
Sabine River - Confluence with Old River to Sabine Lake	Calcasieu	96
Sabine Pass (See Sabine Lake)	Cameron	96
Saline Bayou	Rapides	92
Saline Bayou (See Saline River)	Bienville	92
Saline Lake (See Old Saline Bayou)	Avoyelles	92
Saline Lake (See Saline River)	Natchitoches	92
Saline River	Bienville	92
Scofield Bay (See Bastian Bay)	Plaquemines	54

<u>Stream Segment</u>	<u>Parish</u>	<u>Page No.</u>
Sibley Lake (See Cane River)	Natchitoches	92
Six Mile Creek	Vernon	56
Six Mile Lake (See Atchafalaya River)	St. Martin	52
Smithport Lake (See Lake Edwards)	DeSoto	92
South Pass	Plaquemines	78
Southwest Pass (See Tiger Pass)	Plaquemines	78
Spanish Lake	Iberia	74
Spanish Pass (See Tiger Pass)	Plaquemines	78
Spring Creek	Rapides	72
Tambour Bay (See Bastian Bay)	Plaquemines	54
Tangipahoa River	Tangipahoa	62
Tante Phine Pass (See Tiger Pass)	Plaquemines	78
Tchefuncte River	Tangipahoa	62
Ten Mile Creek	Allen	56
Tensas Bayou (See Tensas River)	East Carroll	82
Tensas River	East Carroll	82
Terre Beau Bayou	St. Bernard	66
Terrebonne Bay	Terrebonne	100
Tete Bayou	Iberia	74
Thigpen Creek (See Bogue Chitto River)	Washington	88
Thompson Creek	West Feliciana	78
Tickfaw River	St. Helena	60
Tiger Pass	Plaquemines	78
Timbalier Bay	Lafourche	100
Trout Creek	LaSalle	84
Turkey Creek Lake	Franklin	82
Twelve Mile Bayou	Caddo	90
Upper Grand River	St. Martin	100
Vermilion Bay	Vermilion	76
Vermilion River - Origin to Intracoastal Waterway	Lafayette	72
Vermilion River - Intracoastal Waterway to Vermilion Bay	Vermilion	72
Vinton Waterway	Calcasieu	96
Wallace Lake (See Bayou Pierre)	Caddo	92
Wax Lake Outlet	St. Mary	50
West Atchafalaya Borrow Pit Canal	St. Landry	76
West Cote Blanche Bay	Iberia	76
West Fork, Calcasieu River	Calcasieu	58
West Middle Pearl (See West Pearl River)	St. Tammany	88
West Pearl River	St. Tammany	88
Whiskey Chitto Creek	Beauregard	56
White Lake (See Grand Lake)	Vermilion	70
Wilson Slough	St. Tammany	88
Yellow Water River	Tangipahoa	60

B. DESIGNATED WATER QUALITY MANAGEMENT BASINS AND TABLE/CODE NUMBERS

ATCHAFALAYA RIVER BASIN	(01)
BARATARIA BASIN	(02)
CALCASIEU RIVER BASIN	(03)
LAKE PONTCHARTRAIN BASIN	(04)
MERMENTAU RIVER BASIN	(05)
VERMILION-TECHE RIVER BASIN	(06)
MISSISSIPPI RIVER BASIN	(07)
OUACHITA RIVER BASIN	(08)
PEARL RIVER BASIN	(09)
RED RIVER BASIN	(10)
SABINE RIVER BASIN	(11)
TERREBONNE BASIN	(12)

EXPLANATION OF AGENCY ID NUMBER

Agency ID Number = BBNNNN where;

BB = Basin Code Number

NNNN = Downstream sequence number of stream, stream segment or other waterbody. A space of "10" has been left between segments for additional streams or segments.

Example:

08 0330 Fish Creek, etc.

08 = Ouachita Basin

330 - Sequence Number

C. NUMERICAL CRITERIA UNIT DEFINITIONS

CL - Chlorides in mg/L

SO₄ - Sulfates in mg/L

DO - Dissolved Oxygen in mg/L

pH Range - Range of pH Units

BAC - Bacterial Criteria (See Below)

TEMP - Temperature in °C

TDS - Total Dissolved Solids in mg/L

N/A - Not applicable at Present

* - Interim Numerical Criteria for Cl, SO₄ and TDS, Subject to Change,
See Text

Bacterial Criteria (BAC)

1. Primary Contact Recreation
2. Secondary Contact Recreation
3. Public Water Supply
4. Shellfish Propagation

Designated Water Uses

- A. Primary Contact Recreation
- B. Secondary Contact Recreation
- C. Propagation of Fish and Wildlife
- D. Public Water Supply
- E. Shellfish Propagation
- F. Agriculture
- G. Outstanding Natural Resource Waters

TABLE (01)
ATCHAFALAYA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
010010	Atchafalaya River Headwaters and Floodplain - Old River Control Structure to Simmesport (Includes Old River Diversion Channel, Lower Red River, Lower Old River)	65	70	5.0	6.5-8.5	1	33	440
010020	Atchafalaya River Mainstem - Simmesport to Whiskey Bay Pilot Channel at mile 54	65	70	5.0	6.5-8.5	1	33	440
010030	West Atchafalaya Basin Floodway - Simmesport to Butte LaRose Bay and Henderson Lake	65	70	5.0	6.5-8.5	1	33	440
010040	East Atchafalaya Basin and Morganza Floodway South to Interstate 10 Canal	65	70	5.0	6.5-8.5	1	33	440
010050	Lower Atchafalaya Basin Floodway - Whiskey Bay Pilot Channel at mile 54 to Morgan City (includes Grand Lake and Six-Mile Lake)	65	70	5.0	6.5-8.5	1	33	440
010060	Lower Atchafalaya River - Morgan City to Atchafalaya Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
010070	Intracoastal Waterway - Morgan City - Port Allen Route	65	70	5.0	6.5-8.5	1	33	440
010080	Intracoastal Waterway (East-West) - Bayou Boeuf Lock to Bayou Sale	65	70	5.0	6.0-8.5	1	32	440
010090	Wax Lake Outlet (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
010100	Bayou Teche - Berwick to Wax Lake Outlet	80	50	5.0	6.0-8.5	1	32	350
010110	Atchafalaya Bay and Delta and Gulf Waters to State three mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (01)
ATCHAFALAYA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
010010	Atchafalaya River Headwaters and Flood Plain - Old River Control Structure to Simmesport (Includes Old River Diversion Channel, Lower Red River, Lower Old River)	X	X	X				
010020	Atchafalaya River Mainstem - Simmesport to Whiskey Bay Pilot Channel at mile 54	X	X	X	X			
010030	West Atchafalaya Basin Floodway - Simmesport to Butte LaRose Bay and Henderson Lake	X	X	X				
010040	East Atchafalaya Basin and Morganza Floodway South to Interstate 10 Canal	X	X	X				
010050	Lower Atchafalaya Basin Floodway - Whiskey Bay Pilot Channel at Mile 54 to Morgan City (includes Grand Lake and Six-Mile Lake)	X	X	X	X			
010060	Lower Atchafalaya River - Morgan City to Atchafalaya Bay (Estuarine)	X	X	X				
010070	Intracoastal Waterway - Morgan City - Port Allen Route	X	X	X				
010080	Intracoastal Waterway (East-West) - Bayou Boeuf Lock to Bayou Sale	X	X	X				
010090	Wax Lake Outlet (Estuarine)	X	X	X				
010100	Bayou Teche - Berwick to Wax Lake Outlet	X	X	X				
010110	Atchafalaya Bay and Delta and Gulf Waters to State three mile limit	X	X	X		X		

TABLE (02)
BARATARIA BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
020010	Bayou Verret (includes Bayou Chevreuil, Bayou Citamon and Grand Bayou, etc.)	65	50	5.0	6.0-8.5	1	32	430
020020	Bayou Boeuf (includes Lake Boeuf and Bayou L'Ours)	500	150	5.0	6.0-8.5	1	32	1000*
020030	Lac Des Allemands	600	100	5.0	6.0-8.5	1	32	1320
020040	Bayou Des Allemands - Lac Des Allemands to Lake Salvador (Scenic)	600	100	5.0	6.0-8.5	1	32	1320
020050	Bayou Gauche	600	100	5.0	6.0-8.5	1	32	1320
020060	Lake Salvador	600	100	5.0	6.0-8.5	1	32	1320
020070	Bayou Segnette - origin to Bayou Villars	600	100	5.0	6.0-8.5	1	32	1320*
020080	Bayou Rigolets - Lake Salvador to Little Lake and portions Barataria Waterway (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020090	Little Lake (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020100	Barataria Bay (including Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long) (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020110	Intracoastal Waterway (East - West) - LaRose to Mississippi River (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020120	Lake Cataouatche and Tributaries	500	150	5.0	6.0-8.5	1	32	1000*

TABLE (02)
BARATARIA BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
020010	Bayou Verret (includes Bayou Chevreuil, Bayou Citamon and Grand Bayou, etc.)	X	X	X			X	
020020	Bayou Boeuf (includes Lake Boeuf and Bayou L'Ours)	X	X	X			X	
020030	Lac Des Allemands	X	X	X				
020040	Bayou Des Allemands - Lac Des Allemands to Lake Salvador (Scenic)	X	X	X				X
020050	Bayou Gauche	X	X	X				
020060	Lake Salvador	X	X	X				
020070	Bayou Segnette - origin to Bayou Villars	X	X	X				
020080	Bayou Rigolets - Lake Salvador to Little Lake and portions Barataria Waterway (Estuarine)	X	X	X		X		
020090	Little Lake (Estuarine)	X	X	X		X		
020100	Barataria Bay (including Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long) (Estuarine)	X	X	X		X		
020110	Intracoastal Waterway (East - West) - LaRose to Mississippi River (Estuarine)	X	X	X				
020120	Lake Cataouatche and Tributaries	X	X	X				

TABLE (02)
BARATARIA BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
020130	Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay and Bay Jacques (Estuarine)	N/A	N/A	4.0	6.5-8.5	4	35	N/A
020140	Bayou Lafourche - Donaldsonville to LaRose	70	55	5.0	6.0-8.5	1	32	500
020150	Bayou Lafourche - LaRose to Yankee Canal (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	32	N/A
020160	Bayou Lafourche - Yankee Canal to Gulf of Mexico (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	32	N/A
020170	Barataria Basin Coastal Bays and Gulf Waters to the State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (02)
BARATARIA BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
020130	Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay and Bay Jacques (Estuarine)	X	X	X		X		
020140	Bayou Lafourche - Donaldsonville to LaRose	X	X	X	X			
020150	Bayou Lafourche - LaRose to Yankee Canal (Estuarine)	X	X	X				
020160	Bayou Lafourche - Yankee Canal to Gulf of Mexico (Estuarine)	X	X	X		X		
020170	Barataria Basin Coastal Bays and Gulf Waters to the State three-mile limit	X	X	X		X		

TABLE (03)
CALCASIEU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
030010	Calcasieu River - Headwaters to Confluence with Marsh Bayou (Scenic River in Rapides Parish)	65	35	5.0	6.0-8.5	1	32	225
030020	Calcasieu River - Confluence with Marsh Bayou to Saltwater Barrier	200	35	5.0	6.0-8.5	1	32	500
030030	Calcasieu River and Ship Channel - Salt Water Barrier to Moss Lake (Estuarine) (Includes Lake Charles, Prien Lake, Moss Lake, Contraband Bayou)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030040	Calcasieu River - Calcasieu Ship Channel Below Moss Lake to the Gulf of Mexico (Estuarine)	N/A	N/A	4.0	6.0-8.5	4	35	N/A
030050	Mill Creek - Headwaters (near Elizabeth) to Calcasieu River	60	60	5.0	6.0-8.5	1	32	250*
030060	Whiskey Chitto Creek - Headwaters to Calcasieu River (Scenic)	20	20	5.0	6.0-8.5	1	30	150
030070	Six Mile Creek - Headwaters to Whiskey Chitto Creek (Scenic)	20	20	5.0	6.0-8.5	1	30	150
030080	Ten Mile Creek - Headwaters to Whiskey Chitto Creek (Scenic)	20	20	5.0	6.0-8.5	1	30	150
030090	Bundicks Creek - Headwaters to Whiskey Chitto Creek (including Bundicks Lake)	20	20	5.0	6.0-8.5	1	30	150
030100	Barnes Creek - From entrance of Little Barnes Creek to confluence with Calcasieu River	60	60	5.0	6.0-8.5	1	32	250

TABLE (03)
CALCASIEU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
030010	Calcasieu River - Headwaters to Confluence with Marsh Bayou (Scenic River in Rapides Parish)	X	X	X			X	X
030020	Calcasieu River - Confluence with Marsh Bayou to Saltwater Barrier	X	X	X			X	
030030	Calcasieu River and Ship Channel - Saltwater Barrier to Moss Lake (Estuarine) (Includes Lake Charles, Prien Lake, Moss Lake, Contraband Bayou)	X	X	X				
030040	Calcasieu River - Calcasieu Ship Channel below Moss Lake to Gulf of Mexico (Estuarine)	X	X	X		X		
030050	Mill Creek - Headwaters (near Elizabeth) to Calcasieu River	X	X	X				
030060	Whiskey Chitto Creek - Headwaters to Calcasieu River (Scenic)	X	X	X				X
030070	Six Mile Creek - Headwaters to Whiskey Chitto Creek (Scenic)	X	X	X				X
030080	Ten Mile Creek - Headwaters to Whiskey Chitto Creek (Scenic)	X	X	X				X
030090	Bundicks Creek - Headwaters to Whiskey Chitto Creek (including Bundicks Lake)	X	X	X				
030100	Barnes Creek - From Entrance of Little Barnes Creek to confluence with Calcasieu River	X	X	X				

TABLE (03)
CALCASIEU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
030110	English Bayou - Headwaters to Calcasieu River	250	75	5.0	6.0-8.5	1	32	300
030120	West Fork, Calcasieu River - Headwaters to Calcasieu River	250	75	5.0	6.0-8.5	1	34	500
030130	Little River - Headwaters to West Fork Calcasieu River	250	75	5.0	6.0-8.5	1	34	500*
030140	Beckwith Creek - Headwaters to West Fork Calcasieu River	25	25	5.0	6.0-8.5	1	32	100
030150	Hickory Creek - Headwaters to West Fork Calcasieu River	250	75	5.0	6.0-8.5	1	32	500
030160	Houston River - Headwaters to West Fork Calcasieu River	250	75	5.0	6.0-8.5	1	32	500
030170	Bayou D'Inde - Headwaters to Calcasieu River (Estuarine)	N/A	N/A	2.0	6.5-9.0	1	35	N/A
030180	Intracoastal Waterway (East - West) - Sabine River to Calcasieu Lock (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030190	Bayou Choupique - Headwaters to Intracoastal Waterway (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030200	Black Lake (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030210	Calcasieu River Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.0-9	4	32	N/A

TABLE (03)
CALCASIEU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
030110	English Bayou - Headwaters to Calcasieu River	X	X	X			X	
030120	West Fork, Calcasieu River - Headwaters to Calcasieu River	X	X	X			X	
030130	Little River - Headwaters to West Fork Calcasieu River	X	X	X				
030140	Beckwith Creek - Headwaters to West Fork Calcasieu River	X	X	X			X	
030150	Hickory Creek - Headwaters to West Fork Calcasieu River	X	X	X			X	
030160	Houston River - Headwaters to West Fork Calcasieu River	X	X	X			X	
030170	Bayou D'Inde - Headwaters to Calcasieu River (Estuarine)	X	X	X				
030180	Intracoastal Waterway (East - West) - Sabine River to Calcasieu Lock (Estuarine)	X	X	X				
030190	Bayou Choupique - Headwaters to Intracoastal Waterway (Estuarine)	X	X	X				
030200	Black Lake (Estuarine)	X	X	X				
030210	Calcasieu River Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
040010	Comite River - Mississippi State Line to Amite River (Scenic from LA Hwy. 10 to White Bayou)	25	10	5.0	6.0-8.5	1	32	150
040020	Amite River - Mississippi State Line to Lake Maurepas (includes Darlington Creek and the Amite River Diversion Canal) (Scenic from state line to LA Hwy 37)	25	10	5.0	6.0-8.5	1	32	150
040030	Grays Creek - From Hwy 1033 to confluence with Amite River	25	10	5.0	6.0-8.5	1	32	150*
040040	Bayou Manchac - Headwaters to Amite River	25	10	5.0	6.0-8.5	1	32	150
040050	Colyell Creek System (includes Colyell Bay)	25	10	5.0	6.0-8.5	1	32	150*
040060	Blind River - Headwaters to Lake Maurepas (Scenic)	250	75	5.0	6.0-8.5	1	30	500
040070	Yellow Water River - origin to Pontchatoula Creek	30	20	5.0	6.0-8.5	1	30	150*
040080	Tickfaw River - Mississippi State Line to Lake Maurepas (Scenic)	10	5	5.0	6.0-8.5	1	30	55
040090	Natalbany River - Headwaters to Tickfaw River (includes Ponchatoula River and Ponchatoula Creek below I-12)	30	20	5.0	6.0-8.5	1	30	150
040100	Lake Maurepas (Estuarine)	1600	200	5.0	6.0-8.5	1	32	3000
040110	Pass Manchac - Lake Maurepas to Lake Pontchartrain (Estuarine)	1600	200	5.0	6.5-9.0	1	32	3000

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
040010	Comite River - Mississippi State Line to Amite River (Scenic from LA Hwy. 10 to White Bayou)	X	X	X				X
040020	Amite River - Mississippi State Line to Lake Maurepas (includes Darlington Creek and the Amite River Diversion Canal) (Scenic from State Line to LA Hwy. 37)	X	X	X				X
040030	Grays Creek - From Hwy 1033 to confluence with Amite River	X	X	X				
040040	Bayou Manchac - Headwaters to Amite River	X	X	X				
040050	Colyell Creek System (includes Colyell Bay)	X	X	X				
040060	Blind River - Headwaters to Lake Maurepas (Scenic)	X	X	X				X
040070	Yellow Water River - origin to Pontchatoula Creek	X	X	X				
040080	Tickfaw River - Mississippi State Line to Lake Maurepas (Scenic)	X	X	X				X
040090	Natalbany River - Headwaters to Tickfaw River (includes Ponchatoula River and Ponchatoula Creek below I-12)	X	X	X				
040100	Lake Maurepas (Estuarine)	X	X	X				
040110	Pass Manchac - Lake Maurepas to Lake Pontchartrain (Estuarine)	X	X	X				

TABLE (04)
LAKE PONTCHARTRAIN BASIN

NUMERICAL CRITERIA

AGENCY ID	STREAM DESCRIPTION	CL	SO ₄	DO	pH range	BAC	TEMP	TDS
040120	Tangipahoa River - Mississippi State Line to Lake Pontchartrain (Scenic from State line to I-12)	30	10	5.0	6.0-8.5	1	30	140
040130	Chappepella Creek - Headwaters to Tangipahoa River (Scenic)	20	20	5.0	6.0-8.5	1	30	140
040140	Tchefuncte River - Headwaters to confluence with Bogue Falaya River (Scenic)	20	10	5.0	6.0-8.5	1	30	110
040150	Bogue Falaya River - Headwaters to Tchefuncte River	20	10	5.0	6.0-8.5	1	30	110
040160	Tchefuncte River - Confluence with Bogue Falaya River to Lake Pontchartrain	850	135	5.0	6.0-8.5	1	30	1850
040170	Bayou LaCombe - Headwaters to U. S. 190	30	30	5.0	6.0-8.5	1	30	150*
040180	Bayou LaCombe - U. S. 190 to Lake Pontchartrain (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040190	Bayou Bonfouca - Headwaters to LA Highway 433	250	100	5.0	6.0-8.5	1	32	500*
040200	Bayou Bonfouca - LA Highway 433 to Lake Pontchartrain (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040210	Bayou Liberty - Headwaters to LA Highway 433	250	100	5.0	6.0-8.5	1	32	500*
040220	Bayou Liberty - LA Highway 433 to confluence with Bayou Bonfouca (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040230	Bayou St. John (Scenic) (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040240	Bayou Trepagnier - Norco to Bayou Labranche (Scenic) (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A

TABLE (04)
LAKE PONTCHARTRAIN BASIN

DESIGNATED WATER USES

AGENCY ID	STREAM DESCRIPTION	A	B	C	D	E	F	G
040120	Tangipahoa River - Mississippi State Line to Lake Pontchartrain (Scenic from State Line to I-12)	X	X	X				X
040130	Chappepella Creek - Headwaters to Tangipahoa River (Scenic)	X	X	X				X
040140	Tchefuncte River - Headwaters to Confluence with Bogue Falaya River (Scenic)	X	X	X				X
040150	Bogue Falaya River - Headwaters to Tchefuncte River	X	X	X				X
040160	Tchefuncte River - Confluence with Bogue Falaya River to Lake Pontchartrain	X	X	X				
040170	Bayou LaCombe - Headwaters to U. S. 190	X	X	X				
040180	Bayou LaCombe - U. S. 190 to Lake Pontchartrain (Estuarine)	X	X	X				
040190	Bayou Bonfouca - Headwaters to LA Highway 433	X	X	X				
040200	Bayou Bonfouca - LA Highway 433 to Lake Pontchartrain (Estuarine)	X	X	X				
040210	Bayou Liberty - Headwaters to LA Highway 433	X	X	X				
040220	Bayou Liberty - LA Highway 433 to confluence with Bayou Bonfouca (Estuarine)	X	X	X				
040230	Bayou St. John (Scenic) (Estuarine)	X	X	X				X
040240	Bayou Trepagnier - Norco to Bayou Labranche (Scenic) (Estuarine)	X	X	X				X

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					
			SO ₄	DO	pH range	BAC	TEMP	TDS
040250	Bayou Labranche - source to Lake Pontchartrain (Scenic) (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040260	Lake Pontchartrain - West of Highway 11 Bridge (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	32	N/A
040270	Lake Pontchartrain - East of Highway 11 Bridge (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	32	N/A
040280	Inner Harbor Navigation Canal - Mississippi River to Lake Pontchartrain (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040290	Lake St. Catherine (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	32	N/A
040300	Rigolets and Chef Menteur Pass (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	32	N/A
040310	Bayou Sauvage - New Orleans hurricane protection levee to Chef Menteur Pass (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	32	N/A
040320	Intracoastal Waterway - Mississippi River to Mississippi State Line (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040330	Bayou Bienvenue - Bayou Villere to Lake Borgne (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040340	Bayou Chaperon - origin to end (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040350	Bayou Dupre - Lake Borgne Canal to Terre Beau Bayou (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES							
		A	B	C	D	E	F	G	
040250	Bayou Labranche - source to Lake Pontchartrain (Scenic) (Estuarine)	X	X	X				X	
040260	Lake Pontchartrain - West of Highway 11 Bridge (Estuarine)	X	X	X					
040270	Lake Pontchartrain - East of Highway 11 Bridge (Estuarine)	X	X	X		X			
040280	Inner Harbor Navigation Canal - Mississippi River to Lake Pontchartrain (Estuarine)	X	X	X					
040290	Lake St. Catherine (Estuarine)	X	X	X		X			
040300	Rigolets and Chef Menteur Pass (Estuarine)	X	X	X		X			
040310	Bayou Sauvage - New Orleans hurricane protection levee to Chef Menteur Pass (Estuarine)	X	X	X		X			
040320	Intracoastal Waterway - Mississippi River to Mississippi State Line (Estuarine)	X	X	X		X			
040330	Bayou Bienvenue - Bayou Villere to Lake Borgne (Scenic) (Estuarine)	X	X	X				X	
040340	Bayou Chaperon - origin to end (Scenic) (Estuarine)	X	X	X				X	
040350	Bayou Dupre - Lake Borgne Canal to Terre Beau Bayou (Scenic) (Estuarine)	X	X	X				X	

TABLE (04)
LAKE PONTCHARTRAIN BASIN

NUMERICAL CRITERIA

AGENCY ID	STREAM DESCRIPTION	CL	SO ₄	DO	pH range	BAC	TEMP	TDS
040360	Terre Beau Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040370	Lake Borgne Canal - 40 Arpent Canal to Bayou Dupre (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040380	Pirogue Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040390	Bashman Bayou - origin to Bayou Dupre (Scenic) (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
040400	Mississippi River Gulf Outlet - Intracoastal Waterway to Breton Sound (Mile 30) (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040410	Lake Borgne (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040420	Bayou La Loutre - Hopedale to Chandeleur Sound (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040430	Eloi Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040440	Lake Lafortuna (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040450	Morgan Harbor (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040460	Drum Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A

TABLE (04)
LAKE PONTCHARTRAIN BASIN

DESIGNATED WATER USES

AGENCY ID	STREAM DESCRIPTION	A	B	C	D	E	F	G
040360	Terre Beau Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	X	X	X				X
040370	Lake Borgne Canal - 40 Arpent Canal to Bayou Dupre (Scenic) (Estuarine)	X	X	X				X
040380	Pirogue Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	X	X	X				X
040390	Bashman Bayou - origin to Bayou Dupre (Scenic) (Estuarine)	X	X	X				X
040400	Mississippi River Gulf Outlet - Intracoastal Waterway to Breton Sound (Mile 30) (Estuarine)	X	X	X		X		
040410	Lake Borgne (Estuarine)	X	X	X		X		
040420	Bayou La Loutre - Hopedale to Chandeleur Sound (Estuarine)	X	X	X		X		
040430	Eloi Bay (Estuarine)	X	X	X		X		
040440	Lake Lafortuna (Estuarine)	X	X	X		X		
040450	Morgan Harbor (Estuarine)	X	X	X		X		
040460	Drum Bay (Estuarine)	X	X	X		X		

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
040470	Chandeleur Sound (Estuarine)	N/A	N/A	5.0	6.5-9.0	4	35	N/A
040480	Bay Boudreau (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040490	River Aux Chenes (Oak River) (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040500	Bayou Terre Aux Boeufs (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040510	Bayou Gentilly - from Bayou Terre Aux Boeufs to Lake Petite (Estuarine, including Lake Petite)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040520	Lake Lery (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040530	Black Bay, California Bay, Breton Sound (Estuarine)	N/A	N/A	5.0	6.5-9.0	4	35	N/A
040540	Bay Gardene, Lost Bayou (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
040550	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (04)
LAKE PONTCHARTRAIN BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
040470	Chandeleur Sound (Estuarine)	X	X	X		X		
040480	Bay Boudreau (Estuarine)	X	X	X		X		
040490	River Aux Chenes (Oak River) (Estuarine)	X	X	X		X		
040500	Bayou Terre Aux Boeufs (Estuarine)	X	X	X		X		
040510	Bayou Gentilly - from Bayou Terre Aux Boeufs to Lake Petite (Estuarine, including Lake Petite)	X	X	X		X		
040520	Lake Lery (Estuarine)	X	X	X		X		
040530	Black Bay, California Bay, Breton Sound (Estuarine)	X	X	X		X		
040540	Bay Gardene, Lost Bayou (Estuarine)	X	X	X		X		
040550	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

TABLE (05)
MERMENEAU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
050010	Bayou Nezpique - Headwaters to Mermentau River	90	30	5.0	6.0-8.5	1	32	260
050020	Bayou Des Cannes - Headwaters to Mermentau River (includes Chicot Lake)	90	30	5.0	6.0-8.5	1	32	260*
050030	Bayou Mallet - Headwaters to Bayou Des Cannes	90	30	5.0	6.0-8.5	1	32	260
050040	Bayou Plaquemine Brule - Headwaters to Bayou Des Cannes	90	30	5.0	6.0-8.5	1	32	260
050050	Bayou Queue de Tortue - Headwaters to Mermentau River	90	30	5.0	6.0-8.5	1	32	260
050060	Mermentau River - Town of Mermentau to Grand Lake	90	30	5.0	6.0-8.5	1	32	260
050070	Lacassine Bayou - Headwaters to Mermentau River	90	10	5.0	6.0-8.5	1	32	400
050080	Grand Lake, White Lake and Contiguous Water Bodies	250	75	5.0	6.5-9.0	1	32	500*
050090	Mermentau River - Catfish Point Control Structure to Gulf of Mexico (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
050100	Little Pecan Bayou (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
050110	Mermentau River Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (05)
MERMENEAU RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
050010	Bayou Nezpique - Headwaters to Mermentau River	X	X	X			X	
050020	Bayou Des Cannes - Headwaters to Mermentau River (includes Chicot Lake)	X	X	X			X	
050030	Bayou Mallet - Headwaters to Bayou Des Cannes	X	X	X			X	
050040	Bayou Plaquemine Brule - Headwaters to Bayou Des Cannes	X	X	X			X	
050050	Bayou Queue de Tortue - Headwaters to Mermentau River	X	X	X			X	
050060	Mermentau River - Town of Mermentau to Grand Lake	X	X	X			X	
050070	Lacassine Bayou - Headwaters to Mermentau River	X	X	X			X	
050080	Grand Lake, White Lake and Contiguous Water Bodies	X	X	X			X	
050090	Mermentau River - Catfish Point Control Structure to Gulf of Mexico (Estuarine)	X	X	X		X		
050100	Little Pecan Bayou (Estuarine)	X	X	X				
050110	Mermentau River Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

TABLE (06)
VERMILION-TECHE RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
060010	Vermilion River - Headwaters to Intracoastal Waterway	230	35	5.0	6.0-8.5	1	32	350
060020	Vermilion River - Intracoastal Waterway to Vermilion Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060030	Freshwater Bayou Canal - Intracoastal Waterway to Control Structure (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060040	Bayou Petite Anse - Headwaters to Bayou Carlin (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060050	Bayou Carlin (Delcambre Canal) - Lake Peigneur to Bayou Petite Anse (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060060	Bayou Tigre - Headwaters to Bayou Petite Anse (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060070	Bayou Petite Anse - Bayou Carlin to Vermilion Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060080	Lake Peigneur (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
060090	Indian Creek and Indian Creek Reservoir	10	5	5.0	6.0-8.5	1	32	100
060100	Cocodrie Lake	10	5	5.0	6.0-8.5	1	32	100*
060110	Spring Creek - Headwaters to Cocodrie Lake (Scenic)	10	5	5.0	6.0-8.5	1	30	100

TABLE (06)
VERMILION-TECHE RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
060010	Vermilion River - Headwaters to Intracoastal Waterway	X	X	X			X	
060020	Vermilion River - Intracoastal Waterway to Vermilion Bay (Estuarine)	X	X	X				
060030	Freshwater Bayou Canal - Intracoastal Waterway to Control Structure (Estuarine)	X	X	X				
060040	Bayou Petite Anse - Headwaters to Bayou Carlin (Estuarine)	X	X	X				
060050	Bayou Carlin (Delcambre Canal) - Lake Peigneur to Bayou Petite Anse (Estuarine)	X	X	X				
060060	Bayou Tigre - Headwaters to Bayou Petite Anse (Estuarine)	X	X	X				
060070	Bayou Petite Anse - Bayou Carlin to Vermilion Bay (Estuarine)	X	X	X				
060080	Lake Peigneur (Estuarine)	X	X	X				
060090	Indian Creek and Indian Creek Reservoir	X	X	X	X			
060100	Cocodrie Lake	X	X	X				
060110	Spring Creek - Headwaters to Cocodrie Lake (Scenic)	X	X	X				X

TABLE (06)
VERMILION-TECHE RIVER BASIN

NUMERICAL CRITERIA

AGENCY ID	STREAM DESCRIPTION	CL	SO ₄	DO	pH range	BAC	TEMP	TDS
060120	Bayou Cocodrie - from U. S. Hwy. 167 to the Bayou Boeuf - Cocodrie Diversion Canal - Bayou Beouf and Bayou Courtableau (Headwaters of Bayou Teche to Interstate 10 (Scenic))	45	35	5.0	6.0-8.5	1	32	100
060130	Bayou Teche - Interstate 10 to Keystone Locks and Dam	40	30	5.0	6.0-8.5	1	32	220
060140	Spanish Lake	250	75	5.0	6.0-8.5	1	32	500*
060150	Bayou Teche - Keystone Locks and Dam to Charenton Canal	80	50	5.0	6.0-8.5	1	32	350
060160	Tete Bayou	80	50	5.0	6.0-8.5	1	32	350
060170	Loreauville Canal	80	50	5.0	6.0-8.5	1	32	350
060180	Lake Fausse Point (including Dauterive Lake)	80	50	5.0	6.0-8.5	1	32	350
060190	Charenton Canal - Lake Fausse Point to Bayou Teche	80	50	5.0	6.0-8.5	1	32	350
060200	Bayou Teche - Charenton Canal to Wax Lake Outlet	80	50	5.0	6.0-8.5	1	32	350
060210	New Iberia Southern Drainage Canal - origin to Intracoastal Waterway (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060220	New Iberia Southern Drainage Canal - Intracoastal Waterway to Weeks Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060230	Charenton Canal - Bayou Teche to Intracoastal Waterway	250	75	5.0	6.0-8.5	1	32	500
060240	Franklin Canal	250	75	5.0	6.5-9.0	1	35	500*

TABLE (06)
VERMILION-TECHE RIVER BASIN

DESIGNATED WATER USES

AGENCY ID	STREAM DESCRIPTION	A	B	C	D	E	F	G
060120	Bayou Cocodrie - from U. S. Hwy. 167 to the Bayou Boeuf - Cocodrie Diversion Canal - Bayou Beouf and Bayou Courtableau (Headwaters of Bayou Teche to Interstate 10 (Scenic))	X	X	X				X
060130	Bayou Teche - Interstate 10 to Keystone Locks and Dam	X	X	X				
060140	Spanish Lake	X	X	X				
060150	Bayou Teche - Keystone Locks and Dam to Charenton Canal	X	X	X				
060160	Tete Bayou	X	X	X				
060170	Loreauville Canal	X	X	X				
060180	Lake Fausse Point (including Dauterive Lake)	X	X	X				
060190	Charenton Canal - Lake Fausse Point to Bayou Teche	X	X	X				
060200	Bayou Teche - Charenton Canal to Wax Lake Outlet	X	X	X	X			
060210	New Iberia Southern Drainage Canal - origin to Intracoastal Waterway (Estuarine)	X	X	X				
060220	New Iberia Southern Drainage Canal - Intracoastal Waterway to Weeks Bay (Estuarine)	X	X	X				
060230	Charenton Canal - Bayou Teche to Intracoastal Waterway	X	X	X				
060240	Franklin Canal	X	X	X				

TABLE (06)
VERMILION-TECHE RIVER BASIN
NUMERICAL CRITERIA

060250 Charenton Canal - Intracoastal Waterway to West Cote Blanche Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060260 Vermilion Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
060270 West Cote Blanche Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
060280 East Cote Blanche Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
060290 Intracoastal Waterway (East - West) - Calcasieu Lock to Vermilion Lock	250	75	5.0	6.0-8.5	1	32	500*
060300 Intracoastal Waterway (East - West) - Vermilion Lock to Boston Bayou (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060310 Intracoastal Waterway (East - West) - Boston Bayou to New Iberia Southern Drainage Canal (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060320 Intracoastal Waterway (East - West) - New Iberia Southern Drainage Canal to Bayou Sale (Estuarine)	N/A	N/A	4.0	6.5-8.0	1	35	N/A
060330 Bayou Dulac	75	75	5.0	6.5-8.5	1	32	500
060340 Lake Pearl	75	75	5.0	6.5-8.5	1	32	500
060350 Bayou Des Glaises	75	75	5.0	6.5-8.5	1	32	500
060360 West Atchafalaya Borrow Pit Canal (St. Landry and St. Martin Parishes)	100	75	5.0	6.0-8.5	1	32	500
060370 Vermilion-Teche River Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.0-9.0	4	32	N/A

TABLE (06)
VERMILION-TECHE RIVER BASIN
DESIGNATED WATER USES

AGENCY ID	STREAM DESCRIPTION	A	B	C	D	E	F	G
060250	Charenton Canal - Intracoastal Waterway to West Cote Blanche Bay (Estuarine)	X	X	X				
060260	Vermilion Bay (Estuarine)	X	X	X		X		
060270	West Cote Blanche Bay (Estuarine)	X	X	X		X		
060280	East Cote Blanche Bay (Estuarine)	X	X	X		X		
060290	Intracoastal Waterway (East - West) - Calcasieu Lock to Vermilion Lock	X	X	X				
060300	Intracoastal Waterway (East - West) - Vermilion Lock to Boston Bayou (Estuarine)	X	X	X				
060310	Intracoastal Waterway (East - West) - Boston Bayou to New Iberia Southern Drainage Canal (Estuarine)	X	X	X				
060320	Intracoastal Waterway (East - West) - New Iberia Southern Drainage Canal to Wax Lake (Estuarine)	X	X	X				
060330	Bayou Dulac	X	X	X				
060340	Lake Pearl	X	X	X				
060350	Bayou Des Glaises	X	X	X				
060360	West Atchafalaya Borrow Pit Canal (St. Landry and St. Martin Parishes)	X	X	X				
060370	Vermilion-Teche River Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

TABLE (07)
MISSISSIPPI RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					TEMP	TDS
			SO ₄	DO	pH range	BAC			
070010	Mississippi River: From Arkansas State Line to Old River Control Structure	75	120	5.0	6.5-9.0	1	32	400	
070020	Mississippi River: From Old River Control Structure to Monte Sano Bayou	75	120	5.0	6.5-9.0	1	32	400	
070030	Old River Lake or Raccourci Lake	100	75	5.0	6.0-8.5	1	32	500	
070040	Bayou Sara: Mississippi State Line to Mississippi River Confluence (Scenic)	100	75	5.0	6.0-8.5	1	32	500	
070050	Thompson Creek: Mississippi State Line to Mississippi River Confluence	100	75	5.0	6.0-8.5	1	32	500	
070060	Mississippi River: From Monte Sano Bayou to Head of Passes	75	120	5.0	6.5-9.0	1	32	400	
070070	Mississippi River Passes: Head of Passes to Mouth of Passes (Estuarine) (Includes Southwest, South, North Passes and Pass a Loutre)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
070080	Tiger Pass, Red Pass, Spanish Pass, Grand Pass, Tante Phine Pass (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
070090	Octave Pass and Main Pass (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
070100	Baptiste Collette Bayou (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
070110	Mississippi River Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A	

TABLE (07)
MISSISSIPPI RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
070010	Mississippi River: From Arkansas State Line to Old River Control Structure	X	X	X				
070020	Mississippi River: From Old River Control Structure to Monte Sano Bayou	X	X	X				
070030	Old River Lake or Raccourci Lake	X	X	X				
070040	Bayou Sara: Mississippi State Line to Mississippi River Confluence (Scenic)	X	X	X				X
070050	Thompson Creek: Mississippi State Line to Mississippi River Confluence	X	X	X				
070060	Mississippi River: From Monte Sano Bayou to Head of Passes	X	X	X	X			
070070	Mississippi River Passes: Head of Passes to Mouth of Passes (Estuarine) (Includes Southwest, South, North Passes and Pass a Loutre)	X	X	X		X		
070080	Tiger Pass, Red Pass, Spanish Pass, Grand Pass, Tante Phine Pass (Estuarine)	X	X	X		X		
070090	Octave Pass and Main Pass (Estuarine)	X	X	X		X		
070100	Baptiste Collette Bayou (Estuarine)	X	X	X		X		
070110	Mississippi River Basin Coastal Bays and Gulf Waters to State three-mile limit (Estuarine)	X	X	X		X		

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
080010	Ouachita River - Arkansas State Line to Columbia Lock and Dam	160	35	5.0	6.0-8.5	1	33	350
080020	Bayou Bartholomew - Arkansas State Line to Ouachita River (Scenic)	55	35	5.0	6.0-8.5	1	32	420
080030	Bayou de L'Outre - Arkansas State Line to Ouachita River (Scenic)	250	45	5.0	6.0-8.5	1	33	500
080040	Bayou D'Arbonne - Headwaters to Ouachita River (including Lake Claiborne, D'Arbonne Lake) (Scenic)	50	15	5.0	6.0-8.5	1	32	200
080050	Middle Fork of Bayou D'Arbonne - origin to Lake D'Arbonne (Scenic)	50	15	5.0	6.0-8.5	1	32	200
080060	Cypress Creek - Headwaters to Bayou D'Arbonne	65	10	5.0	6.0-8.5	1	32	160
080070	Corney Bayou - Arkansas State Line to D'Arbonne Lake (including Corney Lake) (Scenic)	160	25	5.0	6.0-8.5	1	32	300
080080	Little Corney Bayou - Arkansas State Line to D'Arbonne Lake	100	25	5.0	6.0-8.5	1	32	350
080090	Bayou Desiard (Oxbow Lake) and Lake Bartholomew	25	25	5.0	6.0-8.5	1	32	100
080100	Cheniery Creek - including Cheniere Brake Lake	25	25	5.0	6.0-8.5	1	32	100*
080110	Ouachita River - Columbia Lock and Dam to Jonesville	160	50	5.0	6.0-8.5	1	33	400
080120	Boeuf River - Arkansas State Line to Ouachita River	105	45	5.0	6.0-8.5	1	32	430
080130	Bayou Bonne Idee - Headwaters to Boeuf River	20	10	5.0	6.0-8.5	1	32	180

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
080010	Ouachita River - Arkansas State Line to Columbia Lock and Dam	X	X	X	X			
080020	Bayou Bartholomew - Arkansas State Line to Ouachita River (Scenic)	X	X	X	X			X
080030	Bayou de L'Outre - Arkansas State Line to Ouachita River (Scenic)	X	X	X				X
080040	Bayou D'Arbonne - Headwaters to Ouachita River (including Lake Claiborne, D'Arbonne Lake) (Scenic)	X	X	X	X			X
080050	Middle Fork of Bayou D'Arbonne - origin to Lake D'Arbonne (Scenic)	X	X	X	X			X
080060	Cypress Creek - Headwaters to Bayou D'Arbonne	X	X	X				
080070	Corney Bayou - Arkansas State Line to D'Arbonne Lake (including Corney Lake) (Scenic)	X	X	X				X
080080	Little Corney Bayou - Arkansas State Line to D'Arbonne Lake	X	X	X				
080090	Bayou Desiard (Oxbow Lake) and Lake Bartholomew	X	X	X	X			
080100	Cheniery Creek - including Cheniere Brake Lake	X	X	X	X			
080110	Ouachita River - Columbia Lock and Dam to Jonesville	X	X	X	X			
080120	Boeuf River - Arkansas State Line to Ouachita River	X	X	X				
080130	Bayou Bonne Idee - Headwaters to Boeuf River	X	X	X				

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					
			SO ₄	DO	pH range	BAC	TEMP	TDS
080140	Big Creek - Headwaters to Boeuf River (including Big Colewa Bayou)	230	25	5.0	6.0-8.5	1	32	635
080150	Bayou Lafourche - near Oakridge to Boeuf River near Columbia	500	200	5.0	6.0-8.5	1	32	1500
080160	Turkey Creek Lake - (to Boeuf River)	250	75	5.0	6.0-8.5	1	32	500*
080170	Bayou Louis - Headwaters to Ouachita (including Lake Louis)	250	75	5.0	6.0-8.5	1	32	500*
080180	Tensas River - Headwaters to Jonesville (including Tensas Bayou)	45	30	5.0	6.0-8.5	1	32	500
080190	Lake Providence (Oxbow Lake)	25	25	5.0	6.0-8.5	1	32	150
080200	Lake St. Joseph (Oxbow Lake)	25	25	5.0	6.0-8.5	1	32	150
080210	Lake Bruin (Oxbow Lake)	25	25	5.0	6.0-8.5	1	32	150
080220	Lake St. John (Oxbow Lake)	25	25	5.0	6.0-8.5	1	32	150
080230	Lake Concordia (Oxbow Lake)	25	25	5.0	6.0-8.5	1	32	150*
080240	Marengo Bend - (Old River near Vidalia)	75	120	5.0	6.0-8.5	1	33	250*
080250	Bayou Macon - Arkansas State Line to Tensas River	50	55	5.0	6.0-8.5	1	33	380
080260	Joe's Bayou - Headwaters to Bayou Macon	250	75	5.0	6.0-8.5	1	32	500*
080270	Little River - Confluence of Bayou Castor and Dugdemonia River to Junction with Bear Creek (Scenic River)	250	500	5.0	6.0-8.5	1	33	1000

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
080140	Big Creek - Headwaters to Boeuf River (including Big Colewa Bayou)	X	X	X				
080150	Bayou Lafourche - near Oakridge to Boeuf River near Columbia	X	X	X				
080160	Turkey Creek Lake - (to Boeuf River)	X	X	X				
080170	Bayou Louis - Headwaters to Ouachita (including Lake Louis)	X	X	X				
080180	Tensas River - Headwaters to Jonesville (including Tensas Bayou)	X	X	X				
080190	Lake Providence (Oxbow Lake)	X	X	X				
080200	Lake St. Joseph (Oxbow Lake)	X	X	X				
080210	Lake Bruin (Oxbow Lake)	X	X	X	X			
080220	Lake St. John (Oxbow Lake)	X	X	X	X			
080230	Lake Concordia	X	X	X	X		X	
080240	Marengo Bend - (Old River near Vidalia)	X	X	X	X		X	
080250	Bayou Macon - Arkansas State Line to Tensas River	X	X	X	X			
080260	Joe's Bayou - Headwaters to Bayou Macon	X	X	X				
080270	Little River - Confluence of Bayou Castor and Dugdemonia River to Junction with Bear Creek (Scenic River)	X	X	X				X

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
080280	Hemphill Creek - Headwaters to Catahoula Lake	250	75	5.0	6.0-8.5	1	32	250*
080290	Dugdemona River - Headwaters to Little River	250	750	5.0	6.0-8.5	1	32	2000
080300	Bayou Castor - Headwaters to Little River (including Chatham Lake)	25	25	5.0	6.0-8.5	1	32	100*
080310	Bayou Beaucoup - Headwaters to Bayou Castor	25	25	5.0	6.0-8.5	1	32	100
080320	Flat Creek - Headwaters to Bayou Castor	25	25	5.0	6.0-8.5	1	32	100
080330	Fish Creek - Headwaters to Little River (Scenic)	10	5	5.0	6.0-8.5	1	32	75
080340	Trout Creek - Headwaters to Little River (Scenic)	200	75	5.0	6.0-8.5	1	32	500*
080350	Big Creek - Headwaters to Little River (Scenic)	10	5	5.0	6.0-8.5	1	32	75
080360	Old River - Catahoula Lake to Little River	250	75	5.0	6.0-8.5	1	32	500*
080370	Catahoula Lake Diversion Channel - Catahoula Lake to Black River	60	30	5.0	6.0-8.5	1	32	290
080380	Little River - Archie Dam to Ouachita River	95	10	5.0	6.0-8.5	1	32	265
080390	Black River - Jonesville to Corps of Engineers Control Structure (at Mile 25, Serena)	95	20	5.0	6.0-8.5	1	32	265
080400	Black River - Corps of Engineers Control Structure to Red River	95	20	5.0	6.0-8.5	1	32	265

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
080280	Hemphill Creek - Headwaters to Catahoula Lake	X	X	X				
080290	Dugdemona River - Headwaters to Little River	X	X	X				
080300	Bayou Castor - Headwaters to Little River (including Chatham Lake)	X	X	X				
080310	Bayou Beaucoup - Headwaters to Bayou Castor	X	X	X				
080320	Flat Creek - Headwaters to Bayou Castor	X	X	X				
080330	Fish Creek - Headwaters to Little River (Scenic)	X	X	X				X
080340	Trout Creek - Headwaters to Little River (Scenic)	X	X	X				X
080350	Big Creek - Headwaters to Little River (Scenic)	X	X	X	X			X
080360	Old River - Catahoula Lake to Little River	X	X	X				
080370	Catahoula Lake Diversion Channel - Catahoula Lake to Black River	X	X	X				
080380	Little River - Archie Dam to Ouachita River	X	X	X				
080390	Black River - Jonesville to Corps of Engineers Control Structure (at Mile 25, Serena)	X	X	X				
080400	Black River - Corps of Engineers Control Structure to Red River	X	X	X				

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					
			SO ₄	DO	pH range	BAC	TEMP	TDS
080410	Little River - Junction with Bear Creek to Dam at Archie (Including Catahoula Lake) (Scenic River)	50	75	5.0	6.0-8.5	1	33	260

TABLE (08)
OUACHITA RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
080410	Little River - Junction with Bear Creek to Dam at Archie (Including Catahoula Lake) (Scenic River)	X	X	X				X

TABLE (09)
PEARL RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					
			SO ₄	DO	pH range	BAC	TEMP	TDS
090010	Pearl River - Mississippi State Line to Holmes Bayou (includes Holmes Bayou (Scenic) and Pearl River Navigation Canal from Pools Bluff to Lock No. 3)	20	15	5.0	6.0-8.5	1	32	180
090020	Lower Bogue Chitto and West Pearl River below Pearl River Navigation Canal (includes Wilson Slough (Scenic) Bradley Slough (Scenic) and Pearl River Navigation Canal below Lock No. 3)	15	10	5.0	6.0-8.5	1	32	105
090030	West Pearl River - Confluence of Holmes Bayou and Pearl River Navigation Canal to Rigolets and Little Lake (includes Middle Pearl and West Middle Pearl Rivers) (Scenic)	90	20	5.0	6.0-8.5	1	32	235
090040	East Pearl River - Holmes Bayou to Interstate Highway 10	20	15	5.0	6.0-8.5	1	32	180
090050	East Pearl River - Interstate Highway 10 to Lake Borgne (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
090060	Bogue Chitto River - Mississippi State Line to Pearl River Navigation Canal (Includes Big Silver, Lake Silver, Lawrence, Bonner and Thigpen Creek) (Scenic)	15	10	5.0	6.0-8.5	1	35	105
090070	Pushpatapa Creek - Headwaters to Pearl River (Scenic) (includes Crains Creek)	15	12	5.0	6.0-8.5	1	30	110
090080	Peters Creek - Headwaters to Pearl River	20	30	5.0	6.0-8.5	1	30	150
090090	Bogue Lusa Creek - Headwaters to Pearl River	30	45	5.0	6.0-8.5	1	32	300

TABLE (09)
PEARL RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
090010	Pearl River - Mississippi State Line to Holmes Bayou (includes Holmes Bayou (Scenic) and Pearl River Navigation Canal from Pools Bluff to Lock No. 3)	X	X	X				X
090020	Lower Bogue Chitto and West Pearl River below Pearl River Navigation Canal (includes Wilson Slough (Scenic) Bradley Slough (Scenic) and Pearl River Navigation Canal below Lock No. 3)	X	X	X				X
090030	West Pearl River - Confluence of Holmes Bayou and Pearl River Navigation Canal to Rigolets and Little Lake (includes Middle Pearl and West Middle Pearl Rivers) (Scenic)	X	X	X				X
090040	East Pearl River - Holmes Bayou to Interstate Highway 10	X	X	X				
090050	East Pearl River - Interstate Highway 10 to Lake Borgne (Estuarine)	X	X	X				
090060	Bogue Chitto River - Mississippi State Line to Pearl River Navigation Canal (Includes Big Silver, Lake Silver, Lawrence, Bonner and Thigpen Creek) (Scenic)	X	X	X				X
090070	Pushpatapa Creek - Headwaters to Pearl River (Scenic) (includes Crains Creek)	X	X	X				X
090080	Peters Creek - Headwaters to Pearl River	X	X	X				
090090	Bogue Lusa Creek - Headwaters to Pearl River	X	X	X				

TABLE (10)
RED RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	CL	NUMERICAL CRITERIA					
			SO ₄	DO	pH range	BAC	TEMP	TDS
100010	Red River - Arkansas State Line to Alexandria (Highway 165)	185	110	5.0	6.0-8.5	1	34	780
100020	Red River - Alexandria (Highway 165) to Old River Control Structure Diversion Channel	185	110	5.0	6.0-8.5	1	34	780
100030	Twelve Mile Bayou - Origin to Red River	175	75	5.0	6.0-8.5	1	32	500
100040	Black Bayou - Texas State Line to Twelve Mile Bayou (including Black Bayou Lake)	250	25	5.0	6.0-8.5	1	33	500
100050	Kelly Bayou - Arkansas State Line to Black Bayou	90	40	5.0	6.0-8.5	1	33	665
100060	Caddo Lake - Texas State Line to Twelve Mile Bayou	25	25	5.0	6.0-8.5	1	32	100
100070	James Bayou - Texas State Line to Caddo Lake	120	35	5.0	6.0-8.5	1	34	325
100080	Cross Bayou - Texas State Line to Twelve Mile Bayou (including Cross Lake)	75	25	5.0	6.0-8.5	1	32	150
100090	Quapaw Bayou - Texas State Line to Cross Lake	250	75	5.0	6.0-8.5	1	32	500
100100	Loggy Bayou - Lake Bistineau Dam to Flat River	75	35	5.0	6.0-8.5	1	32	250
100110	Loggy Bayou - Flat River to Red River	250	75	5.0	6.0-8.5	1	32	800
100120	Bayou Dorcheat - Arkansas State Line to Lake Bistineau (Scenic) (Includes Lake Bistineau)	250	25	5.0	6.0-8.5	1	33	440
100130	Caney Creek - Headwaters to Bayou Dorcheat (including Caney Lake)	250	75	5.0	6.0-8.5	1	32	500*

TABLE (10)
RED RIVER BASIN

DESIGNATED WATER USES

AGENCY ID	STREAM DESCRIPTION	A	B	C	D	E	F	G
100010	Red River - Arkansas State Line to Alexandria (Highway 165)	X	X	X	X		X	
100020	Red River - Alexandria (Highway 165) to Old River Control Structure Diversion Channel	X	X	X	X			X
100030	Twelve Mile Bayou - Origin to Red River	X	X	X	X		X	
100040	Black Bayou - Texas State Line to Twelve Mile Bayou (including Black Bayou Lake)	X	X	X			X	
100050	Kelly Bayou - Arkansas State Line to Black Bayou	X	X	X			X	
100060	Caddo Lake - Texas State Line to Twelve Mile Bayou	X	X	X	X		X	
100070	James Bayou - Texas State Line to Caddo Lake	X	X	X	X		X	
100080	Cross Bayou - Texas State Line to Twelve Mile Bayou (including Cross Lake)	X	X	X	X		X	
100090	Quapaw Bayou - Texas State Line to Cross Lake	X	X	X	X		X	
100100	Loggy Bayou - Lake Bistineau Dam to Flat River	X	X	X			X	
100110	Loggy Bayou - Flat River to Red River	X	X	X			X	
100120	Bayou Dorcheat - Arkansas State Line to Lake Bistineau (Scenic) (Includes Lake Bistineau)	X	X	X			X	X
100130	Caney Creek - Headwaters to Bayou Dorcheat (including Caney Lake)	X	X	X			X	

TABLE (10)
RED RIVER BASIN

NUMERICAL CRITERIA

AGENCY ID	STREAM DESCRIPTION	CL	SO ₄	DO	pH range	BAC	TEMP	TDS
100140	Flat River - Headwaters to Loggy Bayou	250	75	5.0	6.0-8.5	1	32	800
100150	Black Bayou, Cypress Bayou and Cypress Bayou Reservoir	100	25	5.0	6.0-8.5	1	32	300
100160	Bayou Bodcau - Arkansas State Line to Flat River (including Bodcau Reservoir and Red Chute Bayou)	250	75	5.0	6.0-8.5	1	32	800
100170	Bayou Pierre - Headwaters to Red River (including Boggy Bayou and Wallace Lake)	150	75	5.0	6.0-8.5	1	32	500
100180	Lake Edwards and Smithport Lake	250	75	5.0	6.0-8.5	1	32	500*
100190	Saline River and Saline Bayou - Headwaters to Red River (including Saline Lake) (Scenic)	110	20	5.0	6.0-8.5	1	32	250
100200	Black Lake Bayou - Headwaters to Saline River (including Black Lake and Clear Lake) (Scenic)	26	9	5.0	6.0-8.5	1	32	79
100210	Kepler Creek - Headwaters to Black Lake Bayou (including Kepler Lake)	25	25	5.0	6.0-8.5	1	32	100
100220	Bayou Nantaches - Headwaters to Red River (including Lake Nantaches)	25	25	5.0	6.0-8.5	1	32	100
100230	Cane River - above Natchitoches to Red River (including Sibley Lake)	25	25	5.0	6.0-8.5	1	32	100
100240	Rigolette Bayou - Headwaters to Red River (including Iatt Lake)	25	25	5.0	6.0-8.5	1	32	100

TABLE (10)
RED RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
100140	Flat River - Headwaters to Loggy Bayou	X	X	X			X	
100150	Black Bayou, Cypress Bayou and Cypress Bayou Reservoir	X	X	X	X		X	
100160	Bayou Bodcau - Arkansas State Line to Flat River (including Bodcau Reservoir and Red Chute Bayou)	X	X	X			X	
100170	Bayou Pierre - Headwaters to Red River (including Boggy Bayou and Wallace Lake)	X	X	X			X	
100180	Lake Edwards and Smithport Lake	X	X	X			X	
100190	Saline River and Saline Bayou - Headwaters to Red River (including Saline Lake) (Scenic)	X	X	X			X	X
100200	Black Lake Bayou - Headwaters to Saline River (including Black Lake and Clear lake) (Scenic)	X	X	X			X	X
100210	Kepler Creek - Headwaters to Black Lake Bayou (including Kepler Lake)	X	X	X			X	
100220	Bayou Nantaches - Headwaters to Red River (including Lake Nantaches)	X	X	X			X	
100230	Cane River - above Natchitoches to Red River (including Sibley Lake)	X	X	X	X		X	
100240	Rigolette Bayou - Headwaters to Red River (including Iatt Lake)	X	X	X			X	

TABLE (10)
RED RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
100250	Buhlow Lake (Pineville)	100	50	5.0	6.0-8.5	1	32	250*
100260	Bayou Kisatchie - Headwaters to Red River (Scenic)	25	25	5.0	6.0-8.5	1	32	100
100270	Cotile Reservoir	50	25	5.0	6.0-8.5	1	32	200
100280	Old Saline Bayou - From and including Saline Lake	250	75	5.0	6.0-8.5	1	32	500*
100290	Big Saline Bayou - Catahoula Lake to Saline Lake	250	75	5.0	6.0-8.5	1	32	500*
100300	Saline Bayou - Headwaters to Old Saline Bayou (including Larto Lake) (Scenic)	45	10	5.0	6.0-8.5	1	32	165*
100310	Bayou Cocodrie (Scenic)	250	75	5.0	6.0-8.5	1	32	500
100320	Cocodrie Lake	250	75	5.0	6.0-8.5	1	32	500
100330	Old River and Little River - near Marksville, Louisiana	250	75	5.0	6.0-8.5	1	32	500*

TABLE (10)
RED RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
100250	Buhlow Lake (Pineville)	X	X	X				
100260	Bayou Kisatchie - Headwaters to Red River (Scenic)	X	X	X			X	X
100270	Cotile Reservoir	X	X	X				
100280	Old Saline Bayou - From and including Saline Lake	X	X	X				
100290	Big Saline Bayou - Catahoula Lake to Saline Lake	X	X	X				
100300	Saline Bayou - Headwaters to Old Saline Bayou (including Larto Lake) (Scenic)	X	X	X				X
100310	Bayou Cocodrie (Scenic)	X	X	X			X	X
100320	Cocodrie Lake	X	X	X				
100330	Old River and Little River - near Marksville, Louisiana	X	X	X				

TABLE (11)
SABINE RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
110010	Sabine River - Toledo Bend Reservoir, Texas-Louisiana Line to Toledo Bend Dam	120	60	5.0	6.0-8.5	1	34	500
110020	Sabine River - Toledo Bend Dam to Confluence with Old River below Sabine Island Wildlife Management Area	120	60	5.0	6.0-8.5	1	33	500
110030	Bayou Toro - Headwaters to Sabine River	25	25	5.0	6.0-8.5	1	32	150
110040	Anacoco Creek - Headwaters to Cypress Creek (includes Lake Vernon and Anacoco Lake)	15	10	5.0	6.0-8.5	1	32	90
110050	Anacoco Creek - Cypress Creek to Sabine River Confluence	150	200	5.0	6.0-8.5	1	32	1000
110060	Sabine River - Confluence with Old River below Sabine Island Wildlife Management Area to Sabine Lake (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	32	N/A
110070	Sabine Lake (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110080	Sabine Pass (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	35	N/A
110090	Black Bayou - Intracoastal Waterway to Sabine Lake (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110100	Vinton Waterway - Vinton to Intracoastal Waterway (Estuarine)	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110110	Sabine River Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (11)
SABINE RIVER BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
110010	Sabine River - Toledo Bend Reservoir, Texas-Louisiana Line to Toledo Bend Dam	X	X	X	X		X	
110020	Sabine River - Toledo Bend Dam to Confluence with Old River below Sabine Island Wildlife Management Area	X	X	X	X			
110030	Bayou Toro - Headwaters to Sabine River	X	X	X				
110040	Anacoco Creek - Headwaters to Cypress Creek (includes Lake Vernon and Anacoco Lake)	X	X	X				
110050	Anacoco Creek - Cypress Creek to Sabine River Confluence	X	X	X				
110060	Sabine River - Confluence with Old River below Sabine Island Wildlife Management Area to Sabine Lake (Estuarine)	X	X	X				
110070	Sabine Lake (Estuarine)	X	X	X		X		
110080	Sabine Pass (Estuarine)	X	X	X		X		
110090	Black Bayou - Intracoastal Waterway to Sabine Lake (Estuarine)	X	X	X				
110100	Vinton Waterway - Vinton to Intracoastal Waterway (Estuarine)	X	X	X				
110110	Sabine River Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
120010	Lake Verret	100	75	5.0	6.0-8.5	1	32	350*
120020	Lake Palourde	100	75	5.0	6.0-8.5	1	32	300*
120030	Bayou Boeuf - Lake Palourde to Morgan City, Bayou Boeuf Lock	250	75	5.0	6.0-8.5	1	32	500*
120040	Intracoastal Waterway (East-West) - Bayou Boeuf Lock to LaRose	250	75	5.0	6.0-8.5	1	32	500*
120050	Bayou Black - Intracoastal Waterway to Houma	85	40	5.0	6.0-8.5	1	32	295
120060	Bayou Terrebonne - Thibodaux to Bourg at Company Canal	540	90	5.0	6.0-8.5	1	32	1350
120070	Bayou Terrebonne - Company Canal to Lake Barre (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120080	Houma Navigation Canal - Houma to Bayou Pelton	500	150	5.0	6.0-8.5	1	32	1000
120090	Houma Navigation Canal - Bayou Pelton to Terrebonne Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120100	False River Lake	25	25	5.0	6.0-8.5	1	32	200
120110	Chamberlin Canal - origin to Bayou Choctaw	250	75	5.0	6.0-8.5	1	32	500*
120120	Bayou Poydras - origin to Bayou Choctaw	250	75	5.0	6.0-8.5	1	32	500*
120130	Bayou Choctaw - Headwaters to Intracoastal Waterway	250	75	5.0	6.0-8.5	1	32	500*
120140	Bayou Portage	25	25	5.0	6.0-8.5	1	32	200*

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES							
		A	B	C	D	E	F	G	
120010	Lake Verret	X	X	X					
120020	Lake Palourde	X	X	X	X				
120030	Bayou Boeuf - Lake Palourde to Morgan City, Bayou Boeuf Lock	X	X	X	X				
120040	Intracoastal Waterway (East-West) - Bayou Boeuf Lock to LaRose	X	X	X	X				
120050	Bayou Black - Intracoastal Waterway to Houma	X	X	X	X				
120060	Bayou Terrebonne - Thibodaux to Bourg at Company Canal	X	X	X					
120070	Bayou Terrebonne - Company Canal to Lake Barre (Estuarine)	X	X	X		X			
120080	Houma Navigation Canal - Houma to Bayou Pelton	X	X	X					
120090	Houma Navigation Canal - Bayou Pelton to Terrebonne Bay (Estuarine)	X	X	X		X			
120100	False River Lake	X	X	X					
120110	Chamberlin Canal - origin to Bayou Choctaw	X	X	X					
120120	Bayou Poydras - origin to Bayou Choctaw	X	X	X					
120130	Bayou Choctaw - Headwaters to Intracoastal Waterway	X	X	X					
120140	Bayou Portage	X	X	X					

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA							
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS	
120150	Bayou Du Large - Marmande Canal to Bay Junop (Estuarine)	N/A	N/A	4.0	6.0-9.0	4	35	N/A	
120160	Lake Hache, Lake Theriot	500	150	5.0	6.0-8.5	1	32	1000*	
120170	Lake DeCade (Estuarine)	N/A	N/A	4.0	6.0-9.0	4	35	N/A	
120180	Lost Lake and Four-League Bay (Estuarine)	N/A	N/A	4.0	6.0-9.0	4	35	N/A	
120190	Bayou Penchant - Bayou Chene to Lake Penchant (Scenic)	500	150	5.0	6.5-9.0	1	32	1000*	
120200	Lake Penchant	500	150	5.0	6.5-9.0	1	32	1000*	
120210	Caillou Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
120220	Lake Pelto (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
120230	Terrebonne Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
120240	Lake Barre (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
120250	Timbalier Bay (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A	

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
120150	Bayou Du Large - Marmande Canal to Bay Junop (Estuarine)	X	X	X		X		
120160	Lake Hache, Lake Theriot	X	X	X				
120170	Lake DeCade (Estuarine)	X	X	X		X		
120180	Lost Lake and Four-League Bay (Estuarine)	X	X	X				
120190	Bayou Penchant - Bayou Chene to Lake Penchant (Scenic)	X	X	X				X
120200	Lake Penchant	X	X	X				
120210	Caillou Bay (Estuarine)	X	X	X		X		
120220	Lake Pelto (Estuarine)	X	X	X		X		
120230	Terrebonne Bay (Estuarine)	X	X	X		X		
120240	Lake Barre (Estuarine)	X	X	X		X		
120250	Timbalier Bay (Estuarine)	X	X	X		X		

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
120260	Bayou Grosse Tete - Headwaters to Intracoastal Waterway	25	25	5.0	6.0-8.5	1	32	200
120270	Bayou Plaquemine - Headwaters to Intracoastal Waterway	250	75	5.0	6.0-8.5	1	32	500*
120280	Upper Grand River and Lower Flat River - Headwaters to Intracoastal Waterway	250	75	5.0	6.0-8.5	1	32	500*
120290	Intracoastal Waterway - Morgan City - Port Allen Route	60	40	5.0	6.0-8.5	1	32	300*
120300	Lower Grand River and Belle River - Bayou Sorrel to Lake Palourde (includes Bayou Goula and Grand Bayou)	60	40	5.0	6.0-8.5	1	32	300
120310	Bayou Petite Caillou - Bayou Terrebonne to Klondyke Road Bridge	500	150	5.0	6.0-9.0	4	32	1000*
120320	Bayou Petite Caillou - Klondyke Road Bridge to Terrebonne Bay (Estuarine)	N/A	N/A	4.0	6.0-9.0	4	32	N/A
120330	Bayou Grand Caillou - Houma to Bayou Pelton	500	150	5.0	6.0-8.5	1	32	1000*
120340	Bayou Grand Caillou - Bayou Pelton to Caillou Lake (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120350	Bayou Chauvin - Ashland Canal to Lake Boudreaux (Estuarine)	N/A	N/A	4.0	6.5-9.0	1	32	N/A
120360	Lake Boudreaux (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120370	Bayou Du Large - Houma to Marmande Canal	500	150	5.0	6.5-9.0	1	32	1000*

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
120260	Bayou Grosse Tete - Headwaters to Intracoastal Waterway	X	X	X				
120270	Bayou Plaquemine - Headwaters to Intracoastal Waterway	X	X	X				
120280	Upper Grand River and Lower Flat River - Headwaters to Intracoastal Waterway	X	X	X				
120290	Intracoastal Waterway - Morgan City - Port Allen Route	X	X	X				
120300	Lower Grand River and Belle River - Bayou Sorrel to Lake Palourde (includes Bayou Goula and Grand Bayou)	X	X	X				
120310	Bayou Petite Caillou - Bayou Terrebonne to Klondyke Road Bridge	X	X	X			X	
120320	Bayou Petite Caillou - Klondyke Road Bridge to Terrebonne Bay (Estuarine)	X	X	X			X	
120330	Bayou Grand Caillou - Houma to Bayou Pelton	X	X	X				
120340	Bayou Grand Caillou - Bayou Pelton to Caillou Lake (Estuarine)	X	X	X			X	
120350	Bayou Chauvin - Ashland Canal to Lake Boudreaux (Estuarine)	X	X	X				
120360	Lake Boudreaux (Estuarine)	X	X	X			X	
120370	Bayou Du Large - Houma to Marmande Canal	X	X	X				

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	NUMERICAL CRITERIA						
		CL	SO ₄	DO	pH range	BAC	TEMP	TDS
120380	Bayou Blue - Catfish Lake to Lake Raccourci (Estuarine)	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120390	Lake Fields	500	150	5.0	6.5-8.5	1	32	1000*
120400	Company Canal	500	150	5.0	6.5-9.0	1	32	1000*
120410	Terrebonne Basin Coastal Bays and Gulf Waters to State three-mile limit	N/A	N/A	5.0	6.5-9.0	4	32	N/A

TABLE (12)
TERREBONNE BASIN

AGENCY ID	STREAM DESCRIPTION	DESIGNATED WATER USES						
		A	B	C	D	E	F	G
120380	Bayou Blue - Catfish Lake to Lake Raccourci (Estuarine)	X	X	X		X		
120390	Lake Fields	X	X	X				
120400	Company Canal	X	X	X				
120410	Terrebonne Basin Coastal Bays and Gulf Waters to State three-mile limit	X	X	X		X		

Patricia L. Norton
Secretary

RULE

**Division of Administration
Office of Women's Business Enterprise**

RULES AND REGULATIONS

The Office of the Governor, Division of Administration, Louisiana Office of Women's Business Enterprise (LOWBE) hereby adopts the following policies, rules, and regulations relative to the Louisiana Office of Women's Business Enterprise. These regulations are adopted in accordance with La. R.S. 39:1731-1738 and will address certification, eligibility, and other related matters.

I

STATEMENT OF POLICY

The Louisiana Small Business Procurement Act requires that, for each fiscal year, an amount not to exceed 10 percent of the value of anticipated total state procurement of goods and services be set aside for awarding to small businesses. In addition to this amount, ten percent of that ten percent will be set aside for awarding to Louisiana small women-owned businesses.

II

DEFINITIONS

For the purpose of these Rules and regulations the following words have the meanings indicated:

Small Business - A business as defined by the Small Business Administration of the United States Government which for the purposes of size eligibility or other factors meets the applicable criteria set forth in 13 Code of Federal Regulations, Part 121, as amended, and which has its principle place of business in Louisiana.

Women Owned Business - A business that is at least 51 percent owned by a woman or women who also control and operate it.

Control - Exercising the power to make policy decisions.

Operate - Being actively involved in the day-to-day management of the company.

III

**CERTIFICATION
A. DELEGATION**

The Commissioner of Administration has delegated to the Louisiana Office of Women's Business Enterprise the authority to certify that a business is woman-owned in accordance with La. R.S. 39:1738.

B. PROCEDURE

The following procedure shall be utilized for certification of women-owned businesses under Louisiana law.

1. Any business that wishes to be certified by the state as a woman-owned business shall complete form DA 3302, a copy of which accompanies and is made a part of these regulations. All parts of this form must be completed and all information on the form shall be true and correct.

2. The completed and signed form must be submitted to **State Central Purchasing, Box 94095, Baton Rouge, LA 70804-9095.**

3. The Purchasing Office will then submit the form to the Department of Commerce where a determination will be made regarding the applicants' eligibility as a small business.

4. After being reviewed by the Commerce Department, the form will be submitted to the Louisiana Office of Women's Business Enterprise for certification as a woman-owned business under State law. The Louisiana Office of Women's Business Enterprise shall verify as necessary any information contained on the form. This verification may include but not be limited to: conversations with the business owner and/or employees and visits to the business location.

IV

DISAPPROVAL OF WOMEN-OWNED BUSINESSES

The Director of the Louisiana Office of Women's Business Enterprise shall either approve or disapprove businesses for certification. If a business is disapproved for certification as a woman-owned business, a letter will be sent to the named owner(s) of the business stating the reason(s) for disapproval. A copy of the disapproved form will remain on file at the Louisiana Office of

Women's Business Enterprise and a second copy will be forwarded to the State Purchasing Office and retained there for their records.

V
APPEAL PROCEDURES

If a business owner is aggrieved by a disapproval, she has 15 days after receiving the disapproval letter to provide additional information, explanation, or clarification to the Louisiana Office of Women's Business Enterprise, Box 94095, Baton Rouge, LA 70804-9095. The business owner may provide this information either through a letter to this office or may request a hearing with the Director of the Louisiana Office of Women's Business Enterprise. This information will be reviewed in conjunction with the original form submitted and a final determination will be made. The business owner will be notified in writing within 15 days of this final determination. Any business owner who is still aggrieved after the final determination of the director of the Louisiana Office of Women's Business Enterprise may request that the Commissioner of Administration review the record and the written determination. The request for this review shall be submitted in writing 15 days of receipt of the director's final determination and shall contain detailed reasons for the objection to the final ruling.

RULE

**Department of Health and Human Resources
Board of Examiners of Psychologists**

The Louisiana State Board of Examiners of Psychologists adopts the following rule on the Ethical Standards of Psychologists.

Rule on Ethical Standards of Psychologists¹
(Latest Revision Adopted by the American Psychological Association) (1981)²

Preamble. Psychologists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these objectives, they make every effort to protect the welfare of those who seek their services and of the research participants that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills, and concern for the best interests of clients, colleagues, students, research participants, and society. In the pursuit of these ideals psychologists subscribe to principles in the following areas: 1. Responsibility. 2. Competence. 3. Moral and Legal Standards. 4. Public Statements. 5. Confidentiality. 6. Welfare of the Consumer. 7. Professional Relationships. 8. Assessment Techniques.

¹Any amendments of the Ethical Standards adopted by the American Psychological Association are automatically accepted and adopted by the Louisiana State Board of Examiners of Psychologists.

²Copies of the latest revision can be obtained by contacting the American Psychological Association, Inc., 1200 Seventeenth Street Northwest, Washington, D.C. 22036. American Psychological Association. (1981). Ethical principles of psychologists (revised). American Psychologist, 36, 633-638.

9. Research With Human Participants and 10. Care and Use of Animals.

Principle 1—Responsibility. In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

A. As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanation of their findings. Psychologists take credit only for work they have actually done.

B. Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

C. Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

D. As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

E. As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

F. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

Principle 2—Competence. The maintenance of high standards of competence is responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

A. Psychologists accurately represent their competence, education, training, and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions acceptable under the Bylaws and Rules of Council of the American Psychological Association.

B. As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

C. Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

D. Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

E. Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

F. Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

Principle 3—Moral and Legal Standards. Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

A. As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

B. As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, religion, or national origin in hiring, promotion or training.

C. In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

D. As practitioners and researchers, psychologists act in accord with Association standards and guidelines related to the practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with Association standards and guidelines, psychologists make known their commitment to Association standards and guidelines and whenever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

Principle 4—Public Statements. Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

A. When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status. APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of these Ethical Principles.

B. In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner that falsely implies sponsorship or certification by that organization. In particular and for example, psychologists do not state APA membership or fellow status in a way to suggest that such status implies specialized professional competence or qualifications. Public statements include, but are not limited to, communication by means of periodical book, list, directory, television, radio, or motion picture. They do not contain (i) a false, fraudulent, misleading, deceptive, or unfair statement; (ii) a misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts; (iii) a testimonial from a patient regarding the quality of a psychologist's services or products; (iv) a statement intended or likely to create false or unjustified expectations of favorable results; (v) a statement implying unusual, unique, or one-of-a-kind abilities; (vi) a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services; (vii) a statement concerning the comparative desirability of offered services; (viii) a statement of direct solicitation of individual clients.

C. Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in news items. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

D. Announcement or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

E. Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

F. Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

G. Psychologists present the science of psychology and offer their services, products, and publication fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

H. As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for eval-

uating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

I. Public announcements or advertisements soliciting research participation in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

J. A psychologist accepts the obligations to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

K. Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

L. Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

Principle 5—Confidentiality. Psychologists have a primary obligation to respect the confidentiality of information obtained from the persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

A. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

B. Psychologists who present personal information obtained during the course of professional work in writings, lectures or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

C. Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

D. When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests.

Principle 6—Welfare of the Consumer. Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative treatment, educational, or training procedure and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

A. Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting

the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

B. When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

C. Where the demands of an organization require psychologists to violate these Ethical Principles, psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

D. Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services. They contribute a portion of their services to work for which they receive little or no financial return.

E. Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

Principle 7—Professional Relationships. Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

A. Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

B. Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own service directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

C. Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

D. Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

E. In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate infor-

mation about the research and proper acknowledgment of their contributions.

F. Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgment through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

G. When psychologists know of an ethical violation by another psychologist, and it seems appropriate, they informally attempt to resolve the issue by bringing the behavior to the attention of the psychologist. If the misconduct is of a minor nature and/or appears to be due to lack of sensitivity, knowledge, or experience, such an informal solution is usually appropriate. Such informal corrective efforts are made with sensitivity to any rights to confidentiality involved. If the violation does not seem amenable to an informal solution, or is of a more serious nature, psychologists bring it to the attention of the appropriate local, state, and/or national committee on professional ethics and conduct.

Principle 8—Assessment Techniques. In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

A. In using assessment techniques, psychologists respect the right of clients to have full explanations of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to this right has been agreed upon in advance. When the explanations are to be provided by others, psychologists establish procedures for ensuring the adequacy of these explanations.

B. Psychologists responsible for the development and standardization of psychological tests and other assessment techniques utilize established scientific procedures and observe the relevant APA standards.

C. In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

D. Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuse of obsolete measures.

E. Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering of an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessment reports.

F. Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or

otherwise unqualified persons through teaching, sponsorship, or supervision.

Principle 9—Research with Human Participants. The decision to undertake research upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

A. In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

B. Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal risk," according to recognized standards, is of primary ethical concern to the investigator.

C. The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

D. Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

E. Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting a study, the investigator has a special responsibility to (i) determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value; (ii) determine whether alternative procedures are available that do not use concealment or deception; and (iii) ensure that the participants are provided with sufficient explanation as soon as possible.

F. The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client, or employee of the investigator.

G. The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of that fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these procedures might expose the partic-

ipant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

H. After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

I. Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

J. Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

Principle 10—Care and Use of Animals. An investigator of animal behavior strives to advance understanding of basic behavioral principles and/or to contribute to the improvement of human health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

A. The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

B. A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

C. Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

D. Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

E. When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

Gregory K. Gormanous, Ph.D.
Chairman

RULE

Department of Health and Human Resources Board of Examiners of Psychologists

The Louisiana State Board of Examiners of Psychologists adopts the following rule for lapsed licenses.

Rule for Renewal of Lapsed Licenses

1. If the license is not renewed by the end of July, due notice having been given, the license shall be regarded as lapsed for

the year beginning with that July. Such lapsed licenses shall not be listed in the directory.

2. In accordance with Revised Statute 37:2354, C., within two years of the lapsing of such license, the license may be restored upon payment of a reinstatement fee equal to the current application fee and the current renewal fee.

3. After two years of the lapsing of such license, the license may be restored to active status by the payment of a reinstatement fee equal to the current application fee and the current renewal fee, provided that the person is in compliance with Revised Statute 37:2357A. (2), (3), and (4), and the rules and regulations of the Board.

4. The person shall not practice psychology in Louisiana while the license is lapsed.

Gregory K. Gormanous, Ph.D.
Chairman

RULE

Department of Health and Human Resources Board of Pharmacy

The following rules and regulations of the Louisiana Board of Pharmacy were formally adopted by said Board, in session, subsequent to an advertised public hearing and proper Notice of Intent published in the *Louisiana Register*, and in accordance with R.S. 951, et seq., and authorized in R.S. 37:1178 and R.S. 37:1224. The resolution passed by the Board made these regulations effective January 1, 1985.

1. Rule—Section 27—Institutional Pharmacy Regulation (replaces current Section 27)
2. Rule—Section 29—Computer Regulation
3. Rule—Section 30—Nuclear Pharmacy

SECTION NO. 27

INSTITUTIONAL PHARMACY REGULATION

Section 1. Definitions

For the purpose of this regulation, the following definitions apply:

1.01 Institutional Pharmacy—is an area designated as a pharmacy located in a hospital, nursing home, or residential care provider licensed by the Louisiana Department of Health and Human Resources under Title 40, and by the Louisiana Board of Pharmacy under Louisiana Revised Statutes 37:1185.

1.02 Institution—is defined as:

- a. Hospitals
- b. Nursing Homes
- c. Residential Care Providers

(All of the above must hold a current license from DHHR under La. R.S. Title 40.)

1.03 Unit Dose System—is that drug distribution system which is pharmacy based, and which involves the dispensing of a properly labeled, prepackaged unit dose drug, in a suitable container, in final dosage form, for subsequent patient administration, for a limited period of time to be specified by the director of Pharmacy.

1.04 Unit Dose Prepackaging—is the packaging of individual prescription doses in a suitable container which has been properly labeled as to: identity of the drug generically, chemically, or trade marked, strength, lot number, expiration date; under the direct and immediate supervision of a registered pharmacist for subsequent dispensing. Unit Dose Prepackaging does not include drug reconstitution of admixtures or piggy-back medications.

1.05 Pharmacist—means a person licensed to practice Pharmacy in the State of Louisiana.

1.06 Director of Pharmacy Services—shall be a Louisiana

licensed pharmacist and shall be designated as pharmacist-in-charge.

1.07 Immediate Supervisor—as used in this regulation, shall mean that a registered pharmacist shall, at all times, be physically present in the institutional pharmacy and actually observing the actions of the supportive personnel.

1.08 Institutional compounding—shall mean the preparation of pharmaceutical components into the final dosage form of any medication, including, but not limited to manufactured I. V. admixtures, hyperalimentsations, and/or the combining of ingredients.

1.09 Dispensing in an Institution—Institutional dispensing shall mean the issuance of one or more unit doses of medication in a suitable container, under the immediate supervision of a pharmacist, properly labeled for subsequent administration and shall consist of the following physical acts:

- (1) Receiving and interpretation of the practitioner's orders.
- (2) Assembling the chemical products and appropriate container.
- (3) Affixing the proper label to the final container.

1.10 Night Cabinet—is a securely constructed, locked enclosure located outside of the Pharmacy area solely intended for the proper storage of drugs deemed necessary for emergency use. The director of pharmacy shall be responsible for the selection of the drugs and quantity to be kept in the night cabinet.

1.11 Institutional Pharmacy Supportive Personnel—are defined as persons properly trained and meeting the qualifications herein listed whose duties it would be to aid and assist the pharmacists in the performance of their duties as prescribed in Louisiana Revised Statutes and this regulation.

1.12 Pharmacy Services—shall mean all services provided in the practice of Pharmacy concerned with the art and science of selecting, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease. Such services may include, but are not necessarily limited to, patient counseling, drug therapy, monitoring, teaching, surveillance, and reporting adverse drug or other clinical pharmacy services. All services provided must be in accordance with all federal and state laws, more particularly La. R.S. 37:1171 et seq., and all rules and regulations pertaining thereto, and La. R.S. 40:961 et seq.

Section 2. Purpose

The purpose of the following rules and regulations is to accomplish the purposes of the Pharmacy Act of Louisiana, Pharmacy Act 469, as specified in La. R.S. 37:1171 et seq., by implementing the provisions of that portion of the Act concerning Registration of Facilities, as specified in Definitions, as per Section 1.

Section 3. Applicability

The following rules and regulations are applicable to all institutions and institutional pharmacies as defined by Section 1 hereinabove.

Section 4. Registration/License

All institutional pharmacies shall be registered or licensed annually by the Board of Pharmacy; certificates of registration shall be issued only to those institutional pharmacies which satisfy the provisions of the Louisiana Pharmacy Act and these rules and regulations.

Section 5. Personnel

5.01 Director—Each institutional pharmacy shall be directed by a pharmacist, hereinafter referred to as the director of pharmacy, who is licensed to engage in the practice of Pharmacy in this state, and who is knowledgeable in and thoroughly familiar with the specialized functions of institutional pharmacies, as a re-

sult of satisfactory completion of a Hospital Pharmacy Residency Program which has been approved by this Board, or as a result of no less than five years of experience in an institutional pharmacy. The director of pharmacy may be exempt from the education and experience requirements above with express permission of this Board upon written application by the institutional facility. The director of pharmacy shall be responsible for the procurement, distribution, and control of all of the drugs within the institution and for all activities of the institutional pharmacy, and for meeting the requirements of the Louisiana Pharmacy Act and all other laws, rules and regulations pertaining thereto.

5.02 Registered Pharmacist—The director of an institutional pharmacy shall be assisted by a sufficient number of additional registered pharmacists as may be required to operate such Pharmacy competently, safely, and adequately to protect the patients of the facility in the interest of public health, safety, and welfare. The pharmacists shall:

- (1) Be responsible for drug reconstitution of admixtures for oral or parenteral use.
- (2) Be responsible for initiating the selecting and retrieving of the bulk drug container for unit dose prepackaging medication.
- (3) Supervise the proper labeling of prepackaged medication as to name of medication, strength, etc. A proper log of prepackaging activity shall be maintained.
- (4) Supervise dispensing the properly labeled, prepackaged drug in final unit-dose dosage form.
- (5) Supervise the maintenance of patient profiles.
- (6) Supervise all pharmacy functions of supportive personnel under his or her immediate supervision.
- (7) Perform all compounding.
- (8) Dispense all Schedule I and II Controlled Substances.
- (9) Perform all other Pharmacy functions as required by the director of pharmacy.

5.03 Supportive Personnel—may perform the following duties under the immediate supervision of a pharmacist:

- (1) Retrieve and receive written doctors' orders, prescriptions, or files.
- (2) Perform clerical tasks such as typing labels, and maintaining patient profiles as instructed by supervising pharmacists.
- (3) Secretarial: telephoning, type letters.
- (4) Accounting: keep records, accounts, receivables, third party reimbursements, and posting.
- (5) Inventory control: monitor, price, date, invoice, and stock pharmacies and wards, and prepare purchase orders.
- (6) Maintain clean and orderly Pharmacy.
- (7) Medication delivery to nursing stations.
- (8) Prepackaging unit dose medication: package individual prescription doses under the immediate supervision of the registered pharmacist, except for Schedule I and II Controlled Substances.

A. Institutional supportive personnel may be employed provided they have been approved by the director of pharmacy. The director shall develop and implement written policies and procedures to specify the duties to be performed by such supportive personnel. These policies and procedures shall, at a minimum, specify that supportive personnel are personally and directly supervised by a registered pharmacist and that supportive personnel are not assigned duties which may be performed only by registered pharmacists.

B. Institutional pharmacy supportive personnel are pharmacy employees properly identified by name badge and position in a state-licensed institution holding a valid Pharmacy Permit.

C. Qualifications: An institutional pharmacy supportive person shall be at least 18 years old, hold a high school graduation certificate, or its equivalent, and be of good moral character. He

or she must have satisfactorily completed a Louisiana Board of Pharmacy approved training program. The program is designed to meet prescribed limited functions, to be performed in a licensed Institution, holding a valid Pharmacy Permit issued by the Louisiana Board of Pharmacy.

D. Training: The director of pharmacy shall submit training programs to the Louisiana Board of Pharmacy, consisting of practical, on-the-job training, and instruction. The training program shall be directed toward insuring competence of the institutional pharmacy supportive person to assist the pharmacist. The Board may approve, disapprove, suspend, or revoke any training program for failure to conform to the prescribed rules and/or regulations, minimum standards, and guidelines established by the Louisiana Board of Pharmacy. Any training program which has been disapproved, suspended, or revoked would automatically rescind supportive personnel privileges for the duration of said action.

E. Supervision: All of the activities and operations of each institutional pharmacy shall be personally and directly supervised by the director. All functions and activities of supportive personnel shall be personally and directly supervised by a sufficient number of registered pharmacists to insure that all such functions and activities are performed competently in the best interest of public health, welfare, and safety.

F. Ratio: Supervision of institutional pharmacy supportive persons shall be a ratio of one supportive person to one licensed pharmacist on duty.

G. Secretarial and clerical assistance and support should be provided, as required, to assist with record keeping, report submission, and other administrative duties. The duties of the secretarial or clerical personnel should not be confused with the duties of the pharmacists nor the supportive personnel.

H. It shall be the responsibility of the director of pharmacy to ensure compliance.

Section 6. Absence of Pharmacist

6.01 General—During such times as an institutional pharmacy may be unattended, after normal working hours, by a registered pharmacist, arrangements shall be made in advance by the director of pharmacy for provision of drugs to the medical staff and other authorized personnel of the institutional facility by use of night cabinets. A pharmacist should be on call during all absences.

6.02 Night Cabinets—If night cabinets are used, the following shall prevail: In the absence of a registered pharmacist, certain necessary medications may be obtained from a locked cabinet or other enclosure constructed and located outside of the Pharmacy area to which only specifically authorized personnel may obtain access by key or combination and which is sufficiently secure to deny access to unauthorized persons. The director of pharmacy shall, in conjunction with the appropriate committee of the institution, develop inventory listings of those drugs to be included in such cabinet. A copy of this inventory listing shall be maintained in the night cabinet and the original in the Pharmacy, and shall ensure that:

- a. Such drugs are available therein, properly labeled;
- b. Only prepackaged drugs are available therein, in amounts sufficient for immediate therapeutic requirements;
- c. Whenever access to such cabinet(s) shall have been gained, written practitioner's orders and proof of use, if applicable, are provided; and
- d. All drugs therein are inventoried, and necessary inventory replacements made, no less than once per month.
- e. Written policies and procedures established to implement the requirements of this Subsection shall be completed and available to the Louisiana Board of Pharmacy, or its agents, for inspection and approval.

6.03 Access to Pharmacy—In the absence of the director of pharmacy or other employed pharmacists, no admittance to the Pharmacy will be allowed except in cases of emergency.

Section 7. Physical Requirements

7.01 Area—An institutional pharmacy shall have, within the facility it services, sufficient floor space allocated to ensure that drugs are prepared in sanitary, well lighted, and enclosed places, and which meets the other requirements of this Section.

7.02 Equipment and Materials—Each institutional pharmacy shall have sufficient equipment and physical facilities for proper compounding, dispensing, and storage of drugs, including parenteral preparations, as listed:

A. COMPENDIUM

1. Minimum Requirements:

- a - Louisiana Board of Pharmacy Laws, Rules and Regulations
- b - United States Pharmacopeia Dispensing Information
- c - F.D.A. Approved Drugs
- d - American Hospital Formulary Service
- e - Compatibility Charts
- f - Drug Interaction Reference
- g - Poison and Antidote Information
- h - Remington Practice of Pharmacy
- i - Code of Federal Regulations (CFR-21 - Food and Drugs 1300 to end)

B. EQUIPMENT

1. Minimum Requirements:

- a - Suitable Prescription Balance
- b - Accurate Weights
- c - Graduates
- d - Mortars and Pestles
- e - Spatulas
- f - Funnels
- g - Ointment Slab, etc.

C. SUPPLIES

- a - Files
- b - Bottles, Vials, and Containers
- c - Labels
- d - Empty Capsules
- e - Powder Papers
- f - Filter Papers

7.03 Storage—All drugs shall be stored in designated areas within the institutional pharmacy which are sufficient to ensure proper sanitation, temperature, light, ventilation, moisture control, segregation, and security. Drugs for external use shall be stored separately from internal and injectable medications.

7.04 Alcohol and Flammables—shall be stored in areas that shall, at a minimum, meet basic local building and fire code requirements for the storage of volatiles, and such other laws, ordinances, or regulations as may apply.

Section 8. Drug Distribution and Control

8.01 The director of pharmacy shall establish written procedures for the safe and efficient distribution of pharmaceutical products. An annual updated copy shall be available for inspections.

8.02 Responsibility—The director of pharmacy shall be responsible for the safe and efficient procurement, receipt, distribution, control, accountability, and proper administration of drugs. The other professional staff of the institutional facility shall cooperate with the director in meeting these responsibilities and in ordering, administering, and accounting for pharmaceutical materials. Accordingly, the director of pharmacy shall be responsible for, at a minimum, the manufacturing and control of the following:

- a. Preparation and sterilization of parenteral medications manufactured within the institutional facility;

- b. Admixture of parenteral products;
- c. Manufacture of drugs;
- d. Establishment of procedures for procurement of all pharmaceuticals and other materials;
- f. Dispensing and labeling all containers from which drugs are to be administered;
- g. Records of all transactions of the institutional pharmacy as may be required by applicable law, state and federal, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials;
- h. Participation in those aspects of the institutional facility's patient care evaluation program which relate to pharmaceutical material utilization and effectiveness;
- i. Fullest cooperation with teaching and/or research programs in the institutional facility, if any;
- j. Implementation of the policies and decisions of the appropriate committee(s) of institutional facility;
- k. The director of pharmacy shall be responsible for maintaining patient profiles; which shall at a minimum contain patient name, room no., drug name, strength, route, frequency of administration, and pharmacist's identification.
- l. Meeting all inspection and other requirements of the Louisiana Pharmacy Act and these rules and regulations and all other laws, rules and regulations pertaining thereto.

8.03 Emergency Rooms—All medications used for administration in the emergency room must be obtained from the institutional pharmacy, and it is the responsibility of the director of pharmacy to develop an adequate program in order that all medications are properly stocked, accounted for, and inventoried.

8.04 Labeling

a. For use inside the institutional facility—All drugs dispensed by an institutional pharmacy, intended for use within the facility, shall be dispensed in appropriate containers and adequately labeled so as to identify, at a minimum, patient name, room number, brand name or generic name, and strength of medication.

b. For use outside the institutional facility—All drugs dispensed by an institutional pharmacy to patients about to be discharged from the facility shall be labeled with the following information:

1. Name, address, and telephone number of the institutional pharmacy;
2. Date and identifying serial number (prescription number);
3. Full name of patient;
4. Name of drug and strength;
5. Directions for use to patients;
6. Name of prescribing physician;
7. Name of dispensing pharmacist;
8. Required precautionary information regarding controlled substances; and
9. Such other and further accessory cautionary information as may be required or desirable for proper use and absolute safety to patient.

c. For use outside of the institutional facility, all drugs dispensed for employees, clinic patients, and all other patients treated in the institution, shall be labeled as in (b) above.

d. Drugs added to parenteral admixtures.

Whenever any drugs are added to parenteral admixtures, such admixtures shall be labeled with a distinctive supplementary label indicating the name and amount of the drug added, date, and time of addition, expiration, and name of the pharmacist so adding.

8.05 Discontinued Drugs—The director of pharmacy shall develop and implement policies and procedures to ensure that discontinued and outdated drugs and containers with worn, illeg-

ible, or missing labels are returned to the pharmacy for proper disposition, or that the director make proper disposition, where applicable.

8.06 Practitioner's Orders (Prescription)—Drugs may be dispensed from the institutional pharmacy only upon orders of an authorized licensed practitioner. The pharmacist shall review the practitioner's original order, a direct copy thereof, or an electro-mechanical facsimile, before any initial dose of medication is dispensed, except in cases of bona fide emergency. Immediately after the emergency, proper documentation shall be accomplished.

a. Orders for Drugs for Use by Inpatients—Orders for drugs for use by inpatients shall, at a minimum, contain: patient name and room number, drug name, strength, mode of administration and frequency, date, and physician's signature.

b. Orders for Drugs for Use by Outpatients

1. Orders for legend drugs for use by outpatients shall, at a minimum, contain all of the items required by Section 8.06 a., above, and, in addition;

2. Orders for Controlled Dangerous Substances shall have the Practitioner's Drug Enforcement Administration Identification Number and any other information required by state or federal law, practitioner's address and patient's address; all in accordance with state and federal law, and more particularly La. R.S. 37:1185 and all laws, rules and regulations.

8.07 Controlled Drug Accountability—The director of pharmacy shall establish effective procedures and maintain adequate records regarding use and accountability of controlled substances and such other drugs as the appropriate institutional committee may designate, which shall specify at least the following:

- A. Name of drug, strength, and quantity
- B. Dose
- C. Practitioner
- D. Patient
- E. Date and time of administration
- F. Person administering the drug

8.08 Recall—The director of pharmacy shall develop and implement a recall procedure that can be readily activated to assure the medical staff of the institutional facility, the pharmacy staff, and the director that all drugs included on the recall, are returned to the pharmacy for proper disposition.

8.09 Suspected Adverse Drug Reactions or Medication Error—Any and all suspected adverse drug reactions or medication errors shall be reported orally immediately to the ordering physician and, in writing, to the Pharmacy, and to the appropriate committee of the institutional facility. Appropriate entry on the patient's record shall also be made. The director may, at his or her discretion, make further reports of such suspected reactions to the Institutional Reporting Program of the U. S. Food and Drug Administration, to the manufacturer, and to the United States Pharmacopeia.

8.10 Records and Reports—The director shall maintain and submit, as appropriate, such records and reports as are required to ensure patient health, safety, and welfare, and, at a minimum, the following:

- a. Practitioner's orders, direct copies of facsimiles thereof;
- b. Controlled dangerous substances accountability report;
- c. Reports of suspected adverse drug reactions;
- d. Inventories of night cabinets;
- e. Annual controlled substances inventory;
- f. Alcohol and flammables reports; and
- g. Such other and further records and reports as may be required by law and these rules and regulations.

8.11 Computerized Systems—For computerized systems in institutional pharmacies, daily hard copy printouts, as required

by the Computer Regulation, shall be a daily compilation of all pharmacy dispensing activity.

Section 9. Administration of Drugs

9.01 General—Drugs shall be administered at an institutional facility only upon the orders of those members of the medical staff who have been granted clinical privileges and/or who are authorized members of the House Staff and Licensed Practitioners who have the authority to prescribe.

9.02 Self-administration—Self-administration of drugs by patients shall be permitted only when specifically authorized by the treating or ordering physician, provided, however, the patient has been educated and trained in the proper manner of self-administration and there is no risk of harm to the patient.

Section 10. Outside Pharmacy Services

10.01 Whenever drugs or pharmacy services are obtained from outside of an institutional facility, arrangements shall be made to ensure that such outside pharmacist provides his or her services with sufficient professionalism, quality, and availability to adequately protect the safety of the patients and to properly serve the needs of the facility. Such arrangements shall be made in writing, submitted to the Board of Pharmacy for approval, and shall, at a minimum, specify that:

- a. The outside pharmacist shall act in the capacity of the director (Subsection 5.1 above) and therefore shall be subject to the laws, rules and regulations of the Board of Pharmacy;
- b. Such arrangement is contingent upon approval of the Board of Pharmacy;
- c. The pharmacist shall provide on-call service at all times;
- d. Adequate storage facilities for drugs shall be provided;
- e. All drugs supplied shall be labeled so as to ensure that recalls can be effected and that proper control and supervision of such drugs may be exercised;
- f. All of the above in accordance with federal laws, rules and regulations, and La. R.S. 37:1185; and
- g. Outside pharmacies supplying pharmaceutical services to institutions shall not be considered institutional pharmacies.

10.02 Other Medications—Personal medications brought into the institution by patients must comply with all rules, regulations, and policies of the institutions.

10.03 Legend and Controlled Substances for Ambulance Services—Institutional Pharmacies supplying Legend and/or Controlled Substances to any outside authorized services (Ambulance or Emergency Medical Services) must implement and maintain proper records to ensure control, proper utilization, inventory, and accountability of said substances.

Section 11. Research and Investigational Drugs

All investigational drugs used by the institution shall conform to laws, rules, and regulations pertaining to research.

Section 12. Inspection

12.01 The director of pharmacy shall, at his discretion, no less than once per year, personally or by designated staff pharmacist, inspect all matters within his or her jurisdiction and responsibility and make appropriate written records and notations of such inspections. Such inspections shall, at a minimum, verify that:

- a. Drugs are dispensed only by registered pharmacists;
- b. Supportive personnel are properly directed and supervised;
- c. Drugs requiring special storage conditions to ensure their stability are properly stored;
- d. Distribution of controlled substances are properly documented by pharmacy personnel;
- e. That adequate proof of use records are maintained by medical personnel administering medication;
- f. Emergency drugs, designated pursuant to Section 6

hereinabove, are adequate and in proper supply, both within the Pharmacy and at outside storage locations;

g. All necessary and required security and storage standards are met; and

h. All policies and procedures of the director of pharmacy and appropriate committees of the institutional facility relevant to pharmacy are followed.

12.02 Annual—The Board of Pharmacy shall, annually or as necessary, inspect all aspects of the management and operation of all institutional pharmacies in the state to verify compliance with the law, these rules and regulations, and such other standards as may be appropriate to ensure that the health, safety, and welfare of patients of the Facility serviced by the Pharmacy are protected.

Section 13. Security of Controlled Dangerous Substances

13.01 Controlled Dangerous Substances—listed in Schedules I and II shall be stored in a securely locked, substantially constructed secured enclosure.

13.02 Controlled Dangerous Substances—listed in Schedules III, and IV shall be stored in a securely locked, substantially constructed cabinet, or such substances may be dispersed throughout the stock of the Pharmacy in such a way as to obstruct or deter theft or diversion.

13.03 Intrusion Detection Devices—Institutional Pharmacies, which are not open or staffed on a 24-hour schedule, shall have some type of adequate intrusion detection device to deter burglary and ensure proper security of inventory.

13.04 Loss of Controlled Substances—Any theft or significant loss of Controlled Substances, must be reported to the Drug Enforcement Agency Regional Office, and a copy of said report shall be mailed to the Louisiana Board of Pharmacy Office within 72 hours after loss is discovered.

Section 14. Inventory and Accountability of Controlled Dangerous Substances

Controlled Dangerous Substances, as referred to herein, shall mean all substances classified under the Controlled Substances Act of 1970 and Uniform Controlled Dangerous Substances Law of Louisiana.

14.01 Inventory—Annual inventory of Schedule I, II, III, IV, and V substances, as listed in the Code of Federal Regulations by DEA and La. Statutes Title 40 by D.H.H.R., shall be conducted on May 1 each year, or on the date of the Pharmacy's established regular Annual Inventory date. Once this inventory date is established, it should remain the same year after year and not vary more than four working days. Said inventory shall be maintained in the Pharmacy.

- a. A perpetual inventory shall be maintained for all Schedule I and II Controlled Dangerous Substances.
- b. Biennial inventory shall be conducted in accordance with federal law.
- c. In case of lost inventories (i.e., fire, flood, burglary, etc.), a new updated inventory will be made as soon as possible after loss is discovered.

14.02 Proof of Use Records—Proof of use records for Schedule I and II substances shall be maintained separately and in such a manner as to be readily retrievable.

Section 15. Permits and Licenses Fees

15.01 In accordance with La. R.S. 37:1185, Pharmacy Permits issued to Pharmacies operating in an institution shall be referred to as an "Institutional Pharmacy Permit".

15.02 Institutional Pharmacy Permit fees shall be in accordance with La. R.S. 37:1191 and Regulation Section 11.

Section 16. Intern/Extern Preceptor Program

16.01 Nothing herein shall, in any way, circumvent the Intern/Extern/Preceptor Program as prescribed by the Louisiana Board of Pharmacy.

16.02 The ability of a pharmacist to supervise supportive personnel on a one-on-one on duty basis will not prevent said pharmacist from supervising an intern or an extern on a concurrent one-on-one basis.

16.03 A preceptor shall be a preceptor recognized by the Louisiana Board of Pharmacy.

SECTION NO. 29
REGULATION FOR COMPUTERIZATION
OF PRESCRIPTION RECORDS

1. PURPOSE AND SCOPE:

The computerization of prescription records is the utilization of technological advances in the computer field to modernize the record keeping in the operation of a prescription department. Computer systems should be used as an adjunct to or an extension of conventional prescription department record keeping. The purpose of this regulation is to enumerate the proper procedures to be used which are consistent with state and federal laws, rules and regulations.

2. DEFINITIONS:

A. Computer—A programmable electronic device that can store, retrieve and process data.

B. Hardware—Computer hardware consists of all equipment necessary which makes up all of the operating components of a complete system.

C. Software—The software of a computer consists of the entire programs, procedures and related documentation associated with a computer system.

D. Hard Copy—Copy produced by a computer that is readable without the use of a special device.

E. C.R.T.—A cathode ray tube which is used to impose computer information on a screen for visual use.

3. ORIGINAL PRESCRIPTION RECORDS:

A. The original written prescription or a hard-copy of an oral prescription shall be retained on file in numerical order for a period of five years from the date of dispensing or the date of the last refill dispensed. Hard-copy prescription orders as used in this and any other subsection means the original prescription order or original oral prescription order reduced to writing (manually or electronically produced) by the pharmacist and shall include the following:

(1) Original prescription number

(2) Date of issuance of the original prescription order by the practitioner

(3) Name of the patient and, if for a Controlled Substance, the address of the patient

(4) Name and, if for a controlled substance, address and DEA registration number of the practitioner

(5) Name, strength, dosage form, quantity prescribed, and quantity dispensed, if different from the quantity prescribed

(6) Total number of refills authorized by the prescribing practitioner

(7) Directions for use

4. REFILLS OF PRESCRIPTIONS MAINTAINED IN A DATA PROCESSING SYSTEM:

A. Each time a prescription is refilled, a record of such refill shall be entered into the data processing system.

B. A daily report of all original or refill prescriptions dispensed shall be maintained on a hard-copy printout.

(1) The hard-copy printout shall include:

(a) Prescription number

(b) Date of initial dispensing, if an original prescription, or, if a refill, the date of refilling

(c) Total number of refills dispensed to date for that prescription; or such refill history may be retrievable in a CRT display as alternative to appearing on the hard copy printout

(d) Name of the patient

(e) The prescribing practitioner's name

(f) The name, strength, dosage form, and quantity of the drug dispensed

(g) The initials or identification code of the dispensing pharmacist

(2) If not immediately retrievable via CRT display, the following shall also be included on the hard-copy printout:

(a) Prescribing practitioner's address

(b) Prescribing practitioner's DEA registration number, if the prescription is for a controlled substance

(3) Each individual pharmacist who fills or refills a prescription order shall verify that the data indicated on the daily hard-copy printout is correct, by dating and signing such document within seven days from the date of dispensing.

(4) The daily report printout shall be available for inspection within 72 hours, and shall be maintained in a separate file at the pharmacy for a period of five years from the date of dispensing.

C. In lieu of the printout described in paragraph 4B of this subsection, the pharmacy shall maintain a register in which each individual pharmacist who fills or refills a prescription shall sign a statement each day, attesting to the fact that the information entered into the data processing system that day has been reviewed by him and is correct as entered. Such log book shall be maintained at the pharmacy employing such a system for a period of five years after the date of dispensing; provided however, that:

(1) The pharmacist-in-charge is responsible for the proper maintenance of such records and responsible that such data processing system can produce the records outlined in subsection (4) and that such system is in compliance with subsection (4).

(2) The data processing system can produce such daily report printout on site on demand by an authorized agent of the Louisiana Board of Pharmacy, except that if no printer is available on site, then such daily report printout shall be available within 72 hours with certification by the individual providing the printout, stating that the printout is true and correct as of the date of entry and such information has not been altered, amended, or modified.

(3) Failure to provide the records set out in this rule, either on site or within 72 hours for whatever reason, constitutes prima facie evidence of failure to keep and maintain proper records.

5. DOWN-TIME PROCEDURE

If a pharmacy data processing system experiences system down-time, an auxiliary procedure must ensure that refills are authorized by the original prescription order, that the maximum number of refills has not been exceeded, and that all of the appropriate data is retained for on-line data entry as soon as the data processing system is available for use again.

6. PRESCRIPTIONS MAINTAINED IN A DATA PROCESSING SYSTEM

A. Prescription refills may be dispensed only in accordance with the prescriber's authorization as indicated on the original prescription.

(1) If there are no refill instructions on the original prescription (which shall be interpreted as no refills authorized); or if all refills authorized on the original prescription have been dispensed, authorization from the prescribing practitioner shall be obtained prior to dispensing any refills.

(a) In a data processing system, any such authorization obtained shall be noted as follows:

1. On the new prescription, or

2. On the daily report printout, or

3. Via the CRT display

(2) If a prescription for a Schedule III, IV or V controlled

substance has been refilled a total of five times or if six months have expired from the date of issuance of the original prescription, whichever occurs first, a new and separate prescription shall be obtained from the prescribing practitioner prior to dispensing any additional quantities of such controlled substances.

7. LIMITATION TO ONE TYPE OF RECORD KEEPING SYSTEM

When filing refill information for original prescription orders, a pharmacy may use only the system described in subsection 4 of this section.

8. BACKUP SYSTEM

To prevent the accidental or technical loss of computerized records, an adequate backup system shall be maintained. It is recommended that backup systems be updated daily, however they shall be updated at least weekly.

SECTION NO. 30

LOUISIANA BOARD OF PHARMACY NUCLEAR PHARMACY REGULATION

1. DEFINITIONS:

For the purpose of this Regulation, the following definitions shall apply:

A. A Nuclear Pharmacy is any area, place, or premise described in a permit issued by the Louisiana Board of Pharmacy by reference to plans approved by the Board where radioactive drugs are procured, stored, prepared, derived, manipulated, compounded, or dispensed. Nothing contained in this definition shall apply to the private offices of registered practitioners of medicine or hospital nuclear medicine services supervised and directed by registered practitioners of medicine.

B. A radioactive drug or radioactive pharmaceutical may be defined as a drug in Section 201 (g) (1) of the Federal Food, Drug and Cosmetic Act which is a radioactive material and includes any such drug which is intended to be made radioactive. Radioactive material means any material (solid, liquid or gas) which emits radiation spontaneously. Radiation means any electromagnetic or ionizing radiation including gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound waves. Unless specifically stated otherwise, these regulations apply only to ionizing radiation. This definition includes non-radioactive reagent kits and nuclide generators which are intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds or potassium-containing compounds (salts) which contain trace quantities of naturally occurring radionuclides.

C. A qualified nuclear pharmacist shall:

- Be a currently licensed pharmacist in the state.
- Have received a minimum of 90 contact hours of instruction in nuclear pharmacy from an Accredited College of Pharmacy approved by the Louisiana Board of Pharmacy.
- Attain a minimum of 500 hours of clinical nuclear pharmacy training under the supervision of a qualified nuclear pharmacist in a Nuclear Pharmacy providing nuclear pharmacy services.
- Submit an affidavit of experience and training to the Louisiana Board of Pharmacy.
- Be authorized to handle radioactive materials by the Louisiana Nuclear Energy Division/U. S. Nuclear Regulatory Commission.

2. NUCLEAR PHARMACY PERMIT REQUIREMENTS:

A. Pharmacist-in-charge of a nuclear pharmacy operation must be a qualified nuclear pharmacist.

B. The radiopharmaceutical compounding or preparation area, separate and apart from other areas, shall be an area of not less than 300 square feet, with an additional minimum of 80 square feet for the hot lab and 80 square feet for radioactive material stor-

age. The area shall contain an adequate sink with hot and cold water facilities.

C. Minimum Equipment:

- Fume hood
- Dose calibrator
- Refrigerator
- Dose drawing station
- Well scintillation counter
- Radiochromatographic strip scanner
- Microscope
- Room radiation monitor
- Survey meter with thin window G-M tube
- Hot plate
- Appropriate lead shielding of all radioactive materials
- Single or multichannel analyzer
- Laminar flow hood
- Class A prescription balance or balance of greater sensitivity
- Appropriate decontamination kit and clean up supplies
- Other equipment necessary for radiopharmaceutical services provided as required by the Louisiana Board of Pharmacy.

Supplies:

- Disposable syringes and shielding - appropriate sizes
- Multidose vials and shielding - appropriate sizes
- Disposable alcohol swabs, gloves, and lab coats
- Appropriate labels for radioactive drugs
- Other equipment and supplies necessary for the manufacture of radioactive drugs.

D. Compendium:

1. In addition to regular Pharmacy Compendium requirements, a nuclear pharmacy must also have the current edition and supplements of the following:

- Louisiana Radiation Regulations
- Federal Food and Drug Regulations pertaining to radioactive drugs
- Latest editions and supplements to the USP.

3. In addition to any labeling requirements of the Louisiana Board of Pharmacy for non-radioactive drugs, the immediate outer container of a radioactive drug to be dispensed shall also be labeled with:

- the standard radiation symbol
- the words "Caution—Radioactive Material"
- the radionuclide
- the chemical form
- the activity of radioactive material contained
- if liquid, the volume
- the calibration time for the amount of radioactivity contained
- the prescription control number
- the doctor's name
- the name, address, and telephone number of the pharmacy.

The immediate container shall be labeled with:

- the standard radiation symbol
- the words "Caution—Radioactive Material"
- the prescription control number
- the name of the radionuclide
- the activity of radioactive material contained.

4. Pharmacies handling radioactive drugs shall maintain records of acquisition and disposal of all radioactive drugs for a period of five years.

5. Compliance with all laws and regulations of applicable federal and state agencies shall be deemed minimal compliance to this section and further requirements, as the Board in its opinion

finds necessary to ensure proper health and safety in the production and use of radioactive drugs, may be imposed as a condition of licensure. All the laws and regulations of the Louisiana Nuclear Energy Division, including emergency and safety provisions, shall be complied with, in addition to compliance with all the applicable federal and state laws and regulations governing drugs, whether radioactive or not.

6. Radiopharmaceutical quality control is required on all stock solutions or drugs which are made or compounded in the Nuclear Pharmacy. Radiopharmaceutical quality control to insure maximum chemical tag is required. Radiopharmaceuticals which are compounded from Technetium-99m, as produced from a Molybdenum-99/Technetium-99m generator, require that the following Quality Control Tests be performed on the Technetium-99m eluate before compounding:

- a. Molybdenum breakthrough test
- b. Alumina breakthrough check
- c. Quantitative determination of activity present.

ALL TESTS MUST BE DOCUMENTED

7. A Nuclear Pharmacy shall not function without a qualified nuclear pharmacist. Pharmacy interns performing professional tasks within such pharmacy shall be under the immediate and direct supervision of a qualified nuclear pharmacist. Pharmacy interns shall not be employed in such pharmacy before the pharmacist-in-charge first acquires a student or apprentice pharmacist permit from the Board of Pharmacy.

Howard B. Bolton
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Medical Assistance Program:

RULE

The Department of Health and Human Resources, Office of Family Security, hereby amends the Title XIX reimbursement methodology for inpatient hospital services to provide that costs for specialized intensive care units, specifically neonatal and pediatric intensive care and burn units may be excluded from the calculation of the target rate per discharge specified in the Medicare reimbursement principles for the ceiling on the rate of increase in operating costs (42 CFR 405.463) for cost settlements on or after that date for cost reporting periods beginning on or after October 1, 1982.

A separate per diem rate for such services shall be calculated using the same base period and target rate for all operating costs. However, no incentive or penalty payments shall be calculated at the fiscal year end for these services. Reimbursement for these services is limited to the calculated per diem rate times those days determined to be medically necessary.

Reimbursement for these services shall be in addition to that for all the other services subject to the target rate per discharge, as well as the costs excluded from the target rate calculation (capital related costs, malpractice insurance costs and education costs).

Emergency rulemaking has been invoked to implement this policy effective June 25, 1984. The Emergency Rule was published in the July 20, 1984, *Louisiana Register* (Volume 10, Number 7, page 495).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX pol-

icy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following policy.

RULE

Effective November 1, 1984, the Title XIX Medical Assistance Program shall reimburse providers for Kangaroo 220 infusion pumps and accessories supplied to eligible recipients under the age of 21. Accessories are considered to be the disposable bags used with the infusion pumps and shall not be construed to mean the liquid food substances.

This equipment is currently not a reimbursable item unless treatment is provided in a hospital setting. This action will provide for necessary care to eligible individuals in a home setting and will serve to enhance their quality of life.

The Chapter XIX Medical Assistance Manual, page 4 of 19-530 shall include the following information:

The Kangaroo 220 Infusion Pump shall be considered only with documented evidence that the recipient is unable to swallow. Requests for the Kangaroo Pump and accessories shall require prior authorization and shall be reviewed for medical necessity by a board certified pediatrician.

All requests must include the diagnosis, prognosis, any pertinent medical - social data, and the date the recipient was first infused. Also, the request shall include whether the recipient and/or caretaker has been trained to use the Kangaroo Pump and accessories, and a statement from the facility that the recipient and/or caretaker is capable of operating this equipment. In addition, the name of the provider and a prescription for the machine and accessories must be included on the request.

OFS will pay for the lease and/or rental, as well as delivery and set-up, of the Kangaroo 220 Infusion Pump and accessories. OFS shall not sign the lease and/or rental agreement. The recipient or legal guardian should sign these agreements. OFS will pay for repairs not covered by the warranty or lease agreement. State Office approval is required if the repair cost is over \$25 and the recipient is not covered under Medicare Part B.

This rule change is in concurrence with federal regulation 42 CFR 440.120.

Implementation of this rule is dependent upon the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Preventive and Public Health Services

In accordance with the laws of the State of Louisiana, R.S. 40:4, the State Health Officer has determined that the following amendments to Chapter 13, "Sewage and Refuse Disposal", of the Louisiana Sanitary Code are adopted:

1) Amend Chapter 13 to provide for a single, uniform, minimum lot size standard (25,000 square foot area with 125 foot

frontage) to be applied as the initial test in determining the acceptability of the use of individual sewage disposal systems in any given situation.

2) Amend Chapter 13 to provide for more specific detailing of those instances in which various types of individual sewage disposal systems are not acceptable for use.

In addition, the specified changes are preferred because they will allow for streamlined permitting and approval.

Due to the volume of Chapter 13, it was not printed in the Register. Rather, the above summary of the amendments was offered.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Labor Board of Barber Examiners

The Louisiana State Board of Barber Examiners hereby adopts a rule setting Permit Fees of \$40 as prescribed by the Louisiana State Barber Licensing Law, R.S. 37, Title 5, Section 368.

James A. Adams, Jr.
President

RULE

Department of Labor Board of Barber Examiners

The Louisiana State Board of Barber Examiners hereby adopts a rule that no pets will be allowed to be kept in a barber shop such as animals, reptiles, etc.; small pets such as goldfish may be allowed with board approval. These pets and area around them must be kept in good sanitary condition and such pets must not be considered dangerous to the public health and safety.

James A. Adams, Jr.
President

RULE

Department of Labor Board of Barber Examiners

The Louisiana State Board of Barber Examiners hereby adopts a rule setting reciprocity application fee at \$100 plus license fee as prescribed by the Louisiana State Barber Licensing Law, R.S. 37, Title 5, Section 369.

James A. Adams, Jr.
President

RULE

Department of Public Safety and Corrections Corrections Services

Rule 30-19 (B) (1) - Outgoing letters - All outgoing letters are to be posted unsealed and inspected for contraband. Exception: Outgoing "legal" or "official" mail (see following list) may be posted sealed and may not be opened except with a search warrant:

- A. Identifiable courts
- B. Identifiable prosecuting attorneys
- C. Identifiable probation and parole officers
- D. Identifiable state and federal departments, agencies and their officials

E. Identifiable attorneys

F. Identifiable members of the press

For purposes of this exception, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope: John Doe, Assistant District Attorney; John Doe, City Desk Editor; John Doe, Judge; John Doe, Secretary of Labor; etc. Additionally, the name, official or legal capacity and address of the addressee must be verifiable. If the name, address and official or legal capacity cannot be verified, designated prison personnel shall state in writing the means employed to verify the information and the fact that it could not be determined to be correct and true. Upon the determination that this mail is not identifiable official or legal mail, said mail shall be treated as all other outgoing mail, and shall be opened and inspected for contraband.

Rule 30-19 (6) (B) - A list shall be kept of the items an inmate has received through the mails. Employees will note brand names of each item received whenever possible (appliances, jewelry, clothing, etc.). Employees will not label jewelry as being gold, silver, ruby, diamond, etc. They will note gold colored, red stone, etc.

C. Paul Phelps
Secretary

RULE

Department of Public Safety and Corrections Office of State Police

Under the authority L.R.S. 40:1471 et seq., the Louisiana Explosive Code, and in accordance with the provisions of the Louisiana Administrative Procedure Act, L.R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Police, hereby adopts upon majority vote, the following changes to the rules and regulations section of the Louisiana Explosive Code:

LAC 17-11:5.9—When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways and highways; and in addition, they shall be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. All types of blasting caps in strengths through No. 8 cap shall be rated at 1.5 pounds of explosives per 1,000 caps. Detonating cord, 50-60 grains, shall be rated at nine pounds of explosives per 1,000 feet. Larger or smaller grains per foot will be rated proportionately. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways. Seismographic operations carried out on shipboard shall be required to comply with the distances shown for "Separation of Magazines" only as nearly as the physical limitations of the vessel will permit. Explosive magazines shall not be located under, over, or immediately adjacent to pressurized gas lines or high voltage power lines, or on levees constructed for major flood control.

LAC 17-11:5.15—Companies or individuals leasing or renting explosive storage magazines for use in the State of Louisiana shall insure the magazines are in compliance with the pro-

visions of this chapter and the rules and regulations section prior to releasing the magazines to the customer.

LAC 17-11:10.3—Records will be maintained for three years on all retail sales of black powder. In addition to the brand, grade, and lot number, the record will reflect the name, street address, city and state of the purchaser. The purchaser will be required to produce identification in the form of driver's license, military identification, or equivalent. This record may be in the form of a sales invoice providing it contains the required information.

LAC 17-11:12.1—In addition to all other applicable requirements set forth in these rules and regulations, the transportation of explosives over all highways shall be in accordance with the Louisiana Hazardous Materials Regulations and/or the U.S. Department of Transportation Regulations.

LAC 17-11:12.8—Vehicles transporting 1,000 pounds or less of Class C explosives or 1,000 blasting caps or less as per U.S. Department of Transportation Regulations, are exempt from the requirements of displaying an "Explosive" sign on said vehicle. Charged well-casing jet perforating guns with a total explosive weight per vehicle exceeding 20 pounds will be classed, "Class A Explosives" and must be placarded. U.S. Department of Transportation Regulations exemptions are accepted.

LAC 17-11:14.4—While transporting explosives, motor vehicles shall not be driven at a speed in excess of 55 miles per hour.

LAC 17-11:18.17—In seismic operations, when charges anchored in the hole misfire, there shall be no requirement that an attempt be made to remove such charge. An attempt to detonate this charge will be made with an additional priming charge. If this attempt to fire fails, blasting cap leads must be cut below the surface of the ground prior to leaving the hole.

LAC 17-11:18.18—"Manufacturer-distributors", "dealers", and "users" will report all accidents involving explosions, resulting from explosives within the boundaries of the State of Louisiana, to the secretary of the Department of Public Safety and Corrections through the Explosive Control Unit as soon as possible, but no later than 24 hours.

LAC 17-11:21.1—Each and every stick of dynamite and each and every unit of explosives manufactured in this state or transported into this state for distribution or sale in this state shall have information affixed thereto stating the type and class of explosives as well as date/shift code numbers. Date/shift codes will be permanently marked with a manufactured non-removable ink stamp or a heat process stamp.

C. Paul Phelps,
Secretary

RULE

Department of Revenue and Taxation Income and Corporation Franchise Taxes Section

Requirements for Submitting Claims for Offset of Individual Income Tax Refunds Against Debts Owed Certain State Agencies

The responsible official for each claimant agency will provide to the Secretary of Revenue and Taxation a certified listing of all offset claims. The listing of offset claims must be made in writing or on magnetic tapes in a format specified by the Secretary of Revenue and Taxation which will permit a written listing to be generated.

The responsible official must also furnish certification in writing that the debts for which the offset claims are made are legally collectible, liquidated sums due and owing the claimant agency

or due and owing a person and collectible by the claimant agency. The certification must include the name and address of the claimant agency and the manner in which each offset claim arose.

For each offset claim, the agency must include the following information:

- 1) The name of the individual.
- 2) The amount of offset claimed.
- 3) The social security number of the debtor.
- 4) The most current address available to the claimant.
- 5) Any additional information requested by the Secretary which will facilitate identification and processing of the offset claim.

Prior to participation in the program and each year thereafter, each claimant agency participating in the garnishment program must furnish to the Department of Revenue and Taxation by October 1:

- 1) A statement that the agency intends to submit offset claims for the next year.
- 2) The anticipated number of offset claims to be certified to the Department.
- 3) The estimated total amount of claims due.
- 4) Any additional information requested by the Secretary of Revenue and Taxation to facilitate the economical and efficient administration of this program.

The Secretary of Revenue and Taxation may establish a minimum number of offset claims which will be accepted from each claimant agency.

The Secretary of Revenue and Taxation will determine the date that each agency will be required to furnish the listing of offset claims.

The Secretary of Revenue and Taxation will determine the frequency and method of making remittances to the claimant agency.

Shirley McNamara
Secretary

RULE

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the June, 1984 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors announced the Notice of Intent to revise LAC 19-3.

At this time, the Board hereby adopts the following revisions and additions to LAC 19-3:

3.3.3. Other Graduates (37:693 B (2) (b))

3.3.3.1 Shall be a graduate of an unapproved engineering curriculum or related science or related technology curriculum of four years or more who has acquired at least eight years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the Board, who has passed the written examination in the fundamentals of engineering, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

3.3.3.2 Shall be a graduate of some other engineering, science or technology curriculum of four years or more; who has at least eight years of progressive engineering experience acceptable to the Board subsequent to receiving a Master's Degree, or a higher degree, in an engineering program acceptable to the Board (See LAC 19-3:7.3); who has passed the written examination in the fundamentals of engineering and who has passed the written

examination in the Principles and Practice in the branch of engineering in which registration is sought.

6.2 These branches reflect important engineering specialties which are taught in a substantial number of engineering programs in the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) and which have been determined by the Legislature to be of importance in Louisiana.

6.4.2 There must exist at least 15 engineering curricula in the United States accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) corresponding to the new branch area.

6.4.3 Examinations in the principles and practice of the branch of engineering must be offered on a regular basis by the National Council of Engineering Examiners (NCEE), or by at least 15 State Boards.

7.1.2 In general, the Board will recognize as approved all engineering curricula of four years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET). The Board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but became accredited within the following two years.

7.2.2 Unapproved engineering curricula shall be those curricula of four years or more which are found by the Board to be equivalent in content to approved engineering curricula, including a minimum of 46 semester credit hours of recognized engineering courses, 36 of which shall be advanced level courses usually offered in the junior and senior years.

7.2.3 Chemistry and Physics curricula of four years or more are generally considered to be related science curricula. Other science curricula may be considered if the applicant can convince the Board that a strong relationship exists between the curriculum and a branch of engineering approved by the Board.

7.2.4 Related technology curricula shall be those four-year technology curricula which correspond to the approved branches of engineering listed in LAC 19-3:6.1 and which are approved by the Board. Such curricula shall be accredited by the Technology Accreditation Commission of the Accreditation Board for Engineering and Technology (TAC/ABET) or equivalent to such curricula.

7.2.5 A graduate from a curriculum of four years or more which is neither approved engineering nor unapproved engineering who received a BS degree in Engineering and who individually meets the criteria contained in LAC 19-3:7.2.2 shall be considered a graduate of an unapproved engineering curriculum.

7.3 Engineering Graduate Programs—Acceptable engineering graduate programs are those offered by engineering departments which maintain accreditation from the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET) at the basic or advanced level and which require the removal of deficiencies in science, mathematics, engineering science, and engineering design as a prerequisite to the graduate courses; or are those found by the Board to be equivalent to such programs.

9.2.5 Graduates of other four-year engineering, science, or technology curricula may be permitted to take the examination in the fundamentals of engineering provided they have four years of progressive engineering experience, acceptable to the Board, obtained subsequent to receiving a Master's Degree, or a higher degree, in an engineering graduate program acceptable to the Board (See LAC 19-3:7.3). An applicant under this provision may not be classified as an Engineer-In-Training.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

RULE

Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its plan document of benefits in the following manner:

1. Delete all references to retired employees on page 6.
2. On page 6, under Lifetime Maximum, first line, after the word "active," add the words "and retired."
3. On page 6, under Lifetime Maximum, fourth line, after the word "active," add the words "and retired."
4. On page 25, Article 3, Section I(E), delete Subsection 1 (the last paragraph on the page).
5. On page 26, first line, after the word "active" insert the words "or retired."
6. On page 26, second line, delete the words "retirement or."
7. On page 26, third line, delete the words " , whichever is sooner,".
8. On page 26, renumber the first two paragraphs from 2 and 3 to 1 and 2.
9. On page 57, under Individual Terminations, delete number 9, which states the insurance of an Insured Dependent shall terminate on the date the Insured Employee retires.
10. On page 61, under Accidental Death and Dismemberment Benefits, line immediately under heading (in parenthesis), after the word "active," add the words "and retired."
11. On page 64, under Dependent Life Insurance Benefits, first line in bold type, after the word "active," add the words "and retired."
12. On page 64, under Dependent Life Insurance Benefits, second subheading in bold type, after the word "active," add the words "and retired."
13. On page 64, under Dependent Life Insurance Benefits, line 13, put a period after the numeral "70" and delete the remainder of the sentence, which states "or retires, whichever occurs first."
14. On page 68, second paragraph, first line after the word "active," add the words "and retired."
15. On page 68, second paragraph, fifth line, after the word "active," add the words "and retired."
16. On page 69, delete paragraph (B) and reletter subsequent paragraphs.
17. On page 69, under Accidental Death and Dismemberment Benefits, first line (in parenthesis), after the word "active," add the words "and retired."
18. On page 69, under Accidental Death and Dismemberment Benefits, second to last line on the page, after the numeral "70," add a period and delete the remainder of the sentence.
19. On page 71, Exhibit II, in the heading, after the word "ACTIVE," add the words "AND RETIRED."
20. On page 72, change heading of Exhibit III to read "Basic and Supplemental Life Insurance Schedule for Active and Retired Employees Age 70 and Over."

James D. McElveen
Executive Director

RULE

Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules to provide for the declaring and filling of vacancies by the Board of Trustees. This amended rule states:

IV Election Rules and Regulations

B. Vacancies

1. A vacancy on the Board of Trustees shall occur for the following reasons:

- a. Death of a board member;
- b. Resignation from the Board by a member; or
- c. Failure of an elected board member to take office.

2. The Board of Trustees may declare a vacancy on the Board for the following reasons:

- a. Conviction of a board member of a felony as defined in La. R.S. 14:2;
- b. Certified medical incapacity of a board member; or
- c. Consecutive absences from Board and committee meetings for a period of three months.

3. Vacancies of participant members of the Board of Trustees shall be filled in accordance with La. R.S. 42:872(E).

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt a new rule relative to mandatory penalties.

"Any permittee of this Commission who has violated any medication rule at least three times, the third time being after October 1, 1984, shall be suspended for a period of five years and denied access to all race tracks under the jurisdiction of the Commission. The foregoing does not apply to violations of the pre-race testing rule or a violation of the medication rules when the drug found is classified solely as an anti-inflammatory agent or as a bleeder medication."

The Office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may contact either Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded, for a copy of the rule. All interested persons may submit written comments relative to this rule through November 5, 1984.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 11-6: 54.7

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The benefits are to all horsemen, patrons, Racing Associations and the Commission itself, by eliminating individuals who are constantly violating the medication rules and making the horse racing industry appear unregulated with insufficient penalties to correct future violations of such related rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 11-6:23.27 (renumbered LAC 35:5753) relative to glass beverage containers.

PROPOSED RULE

"The operation shall be conducted so that all persons who patronize the respective tracks shall be satisfactorily served. Food, beverages (both alcoholic and nonalcoholic), tobacco and other generally related items may be available for sale to the patrons of the various tracks on each day that racing is conducted under the license, permit, or privilege granted by the Commission. Concessionaries vending any liquid refreshments shall not permit the surrender of glass containers to customers except in appropriate areas as designated by the association."

The Office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may contact either Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded, for a copy of the rule. All interested persons may submit written comments relative to this rule through November 5, 1984.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 11-6:23.27

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The benefits are clearly to the patrons of the racetracks, where they are not allowed a wider range of space where they may use glass beverage containers (with association designation).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education intends to adopt the following policy:

1. Delete Sections 6.4 and 6.5 of Board policy 6.03.95 regarding the use of sick leave in order to be consistent with the new Civil Service policy abolishing Civil Service Rule 11.15, Advance of Sick Leave.

2. The Board directed that beginning with the 1985-86 school year, all previously approved elective courses for local systems shall be dropped from the approved curriculum of each school system; thereafter, elective courses to be offered by local systems must be submitted to the State Department of Education no later than March 1st for approval for the subsequent school year, as provided in Rule 2.105.35 (Bulletin 741).

3. The Board approved Computer Science as a statewide elective for inclusion in Bulletin 741.

4. The Board amended Standards 1.126.07 and 2.102.07 of Bulletin 741 to allow two units of credit toward high school graduation for basic training in the National Guard services.

5. The Board amended Bulletin 746, Louisiana Standards for State Certification of School Personnel to reinsert the following language as it pertains to certification to teach the deaf:

“Any person who holds a valid certificate issued by the Conference of Executives of American Schools for the Deaf (CEASD) or the Council on Education of the Deaf (CED) may be certified in hearing impaired education to teach in the Louisiana School for the Deaf and public and nonpublic schools in Louisiana at endorsed levels and/or subject areas.”

6. The Board adopted as policy, the Scholastic Requirements for participation in high school athletics as presented by the Louisiana High School Athletic Association as follows:

Scholastic Requirements for Participation in High School Athletics

Rule 1

A student shall be taking not fewer than four academic high school subjects, which offer maximum credit for graduation, unless he already has as many as 14 units, and then he will be required to take only three academic subjects to be eligible for athletic competition. He must make a passing grade in all three subjects at each marking period.

To be eligible under the scholastic rule of all students, other than special education (excluding gifted and talented), enrolled in high school subjects (grades 9-12) must meet the requirements as indicated on the following table.

YEAR IN SCHOOL	GRADING PERIOD	MINIMUM NUMBER OF SUBJECTS/UNITS REQUIRED TO PASS TOWARDS GRADUATION	IN ADDITION-REQUIRED GRADE POINT AVERAGE IN THESE SUBJECTS
Freshman (Grade 9)	1st Semester	5 subjects	plus 1.5 GPA
	End of year (prior to Sophomore Year)	5 Units *	plus 1.5 GPA*
<i>* This applies to the first semester of 1984-85 only</i>			
Sophomore (Grade 10)	1st Semester	5 subjects	plus 1.5 GPA
	End of year (prior to Junior Year)	5 Units *	plus 1.5 GPA*
Junior (Grade 11)	1st Semester	5 subjects	plus 1.5 GPA
	End of year (prior to Senior year)	5 Units *	plus 1.5 GPA*
Grade 12	1st Semester	5 subjects	plus 1.5 GPA

All subjects taken/units earned toward graduation must be approved in State Department of Education Bulletin 741.

IMPORTANT: This rule will become effective at the end of the first semester of the 1984-85 school year. Until adjustments can be made, schools will operate under the present rule for the first semester only.

* Includes all credits and grades earned in any method of remediation approved by the State Department of Education. (Individual can set higher standards if desired.)

Special Education Students (Other Than Those Classified as “Gifted and Talented”) Will be Eligible if They Meet the Provisions of the Present Handbook Rule.

The grade point average is arrived at by dividing the total number of subjects (units) attempted (earned) toward graduation into the total number of grade points earned by a student.

For the purpose of arriving at a student’s GPA, the point value of each grade has been determined as follows:

- A = 4 points
- B = 3 points
- C = 2 points
- D = 1 points
- F = 0 points

Examples of How to Determine the Eligibility of a Student Athlete:

Athlete:

STUDENT 1		
	Grade	Points
English	C	2
Math	C	2
Science	D	1
Typing	D	1
Civics	F	0
Phy. Ed.	C	2
Total points . .		8
GPA		1.3
Subjects attempted		6
Subjects passed		5

RULED Ineligible

STUDENT 2		
	Grade	Points
English	B	3
Math	B	3
Science	C	2
Typing	C	2
Civics	F	0
Phy. Ed.	B	3
Total points . .		13
GPA		2.2
Subjects attempted		6
Subjects passed		5

RULED Eligible

STUDENT 3		
	Grade	Points
Auto Mech	A	4
Auto Mech.	A	4
Auto Mech.	A	4
Phy. Ed.	B	2
Science	F	0
Math	F	0
Total points . .		15
GPA		2.5
Subjects attempted		6
Subjects passed		4

RULED Ineligible

EXPLANATION: Student 1 passed 5 subjects (5 units) but did not earn a 1.5 GPA

Student 2 passed 5 subjects (5 units) and earned at least a 1.5 GPA

Student 3 earned a 2.5 GPA but did not pass 5 subjects (5 units)

Special education students that have been placed by virtue of the design of their IEP in specially designed regular instruction programs shall be subject to all rules and regulations (including scholastic) of the LHSAA governing interscholastic sports for regular students.

Special education students that have been placed by virtue of the design of their IEP in alternate to regular instruction programs must meet the following requirements before the student is deemed eligible or retains eligibility to participate.

1. A statement of assurances that certifies participation in interscholastic sports will be monitored at regular reporting periods so as not to be detrimental to the student's individual education program and must be signed by the parent or legal guardian, the teacher, and the principal, and be attached to that year's IEP and each year thereafter.

2. A student who fails to achieve 70% of his/her short term objectives at the end of the first semester or if he/she fails to meet these objectives at the end of the school year or immediately prior to the start of the next school year he/she shall be ineligible for participation in the entire first semester.

It should be understood that the purpose of this interpretation is only to make programs accessible to students; however, once a student "goes out" for any given sport he/she is subject to being cut as is any other student.

RULE 2

A student must meet the scholastic requirements at the end of the first semester in order to be eligible for the entire second semester.

Prior to the first day of the semester of a new school year or prior to the jamboree contest or first interschool game (whichever comes first), a student must meet the scholastic requirements in order to be eligible for the entire first semester.

RULE 3

For the second semester the date for change of eligibility status shall be Wednesday following the close of the accounting period, regardless of when tests are given or report cards are given out.

A student who has become ineligible for the second semester shall remain eligible until the Wednesday following the end of the grading period of the first semester at which time he/she will become ineligible for the second semester.

A student who has been ineligible for the first semester shall,

if passing, become eligible on the Wednesday following the end of the grading period of the first semester. To be eligible for the entire first semester, the student must be eligible on the first day of classes in that semester. **EXAMPLE:** A student has been ineligible in the first semester because of a scholastic failure. When semester tests are given and the semester ends on Friday, is the student eligible to play that Friday or Saturday night? No, he/she does not become eligible for the second semester until the following Wednesday.

RULE 4

Promotion from elementary school into high school for the first time will meet the scholastic requirement. In this context, elementary school includes grades one through eight; high school includes grades nine through twelve. (See Rule 7)

RULE 5

A student in the eighth grade or lower must make passing grades in subjects equivalent to three-fourths of the full course of subjects required of each pupil in that grade.

RULE 6

"Incomplete" grades will be considered as non-passing grades for the eligibility of a player until the "incomplete" is removed.

RULE 7

Unless it is necessary to improve a grade point average for a school year, a student may not repeat any subject that he/she has already passed and, if a subject is repeated, this must be accomplished through a remedial program approved by the State Department of Education.

NOTE: For that particular semester it is not permissible to give a second examination in order to make a pupil eligible.

RULE 8

A student shall not be a graduate of any high school or secondary school.

NOTE: No student who has been in high school fewer than eight semesters and who does not graduate before the end of eight semesters, shall be ineligible as a result of having earned additional units of credit.

7. The Board adopted the following policy for inclusion in Bulletin 741 as a new standard:

"Each school district shall adopt a written policy on student activities which shall:

- (1) distinguish between co-curricular activities and extra-curricular activities within the context of the definitions below,
- (2) define an appropriate place for such activities in the school's program,
- (3) limit and control interruptions of instructional time in the classroom,

- (4) limit the number of absences allowed for such activities, and
- (5) specify student eligibility requirements.

Co-curricular activities

Those activities that are relevant, supportive, and are an integral part of the course of study in which the student is enrolled and which are under the supervision and/or coordination of the school instructional staff.

Extracurricular activities

Those activities which are not directly related to the program of studies and which are under the supervision and/or coordination of the school instructional staff and are considered valuable for the overall development of the student.

8. The Board adopted the following certification requirements for teachers of computer science and computer literacy:

Computer Education - Mandatory 86-87 School Year

1) *COMPUTER LITERACY* - 9 semester hours

Certification in computer literacy may be added to an existing elementary or secondary certificate and is intended for those teachers who teach introductory computer literacy classes. The six hour requirement for computer literacy certification in 1-A and 1-B below may be waived for teachers certified in Business Education subjects who have completed a data processing course and a word processing course which include computer applications.

- A. Introduction to Computer Literacy and Microcomputers 3 semester hours
- B. Computer Science Education elective which includes the evaluation and use of hardware and software 3 semester hours

C. Computer programming 3 semester hours

NOTE: A person who has been successfully employed as a teacher of computer education for a minimum of three years prior to September 1, 1986, may be certified in Computer Literacy and have this authorization added to his/her Louisiana elementary or secondary teaching certificate.

2) *COMPUTER SCIENCE* - 18 semester hours

- A. Introduction to Computer Literacy and Microcomputers 3 semester hours
- B. Computer Science Education elective which includes the evaluation and use of hardware and software 3 semester hours

C. Computer Science electives 12 semester hours

NOTE: 1. A person who has been successfully employed as a teacher of computer education for a minimum of five years prior to September 1, 1986, may be certified in Computer Science and have this authorization added to his/her Louisiana elementary or secondary teaching certificate.

2. A person who has been successfully employed as a teacher of computer education for a minimum of three years prior to September 1, 1986, and has earned 12 semester hours in Computer Science by September 1, 1986, may have this authorization added to his/her Louisiana elementary or secondary teaching certificate.

9. The Board added Elementary Foreign Language to the 1984-85 textbook adoption cycle.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 10, 1984 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 6.03.95 Advanced Sick Leave**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no costs or savings related to this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There are no significant economic costs/benefits to the employees since the advance of sick leave was a rare occurrence.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no foreseen effect on competition and employment.

James V. Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Elective Courses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs or savings to the state or local school systems.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs, but outdated elective courses will be deleted from local listings of electives.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 741**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The implementation cost would be incurred in developing a curriculum guide for Computer Literacy II. The total cost for the development, printing, and dissemination of the curriculum guide is estimated at \$10,000.
Implementation would begin in 1984-85 if funds are identified as available for this purpose; otherwise, implementation would be delayed until funds are appropriated for this purpose.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No effect on revenue collections is anticipated from the proposed action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No direct costs or immediate economic benefits are expected to result as a result of the proposed action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No immediate effect on either competition or employment will result from proposed action.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Credit for National Guard Service

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated implementation costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs, but National Guard members will receive two units of credit for their basic training, the same as other branches of the Armed Forces.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Amendment to Bulletin 746

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Estimated implementation cost to the Department of Education for revision of Bulletin 746 is \$50 which will be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of this proposal will not have any effect on revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs to affected groups. The proposed rule change places the existing requirements under interim provisions into the permanent certification requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

This proposed action will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: High school Athletic Scholastic Requirements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no anticipated costs or savings to the state or local school systems.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs, but all students participating in athletics will have to maintain a specified scholastic requirement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Policy on Student Activities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated implementation costs or savings to the state or local school boards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No additional costs are anticipated, but schools will be limited as to the amount of time a student can be out of his classes for activities which do not relate to the subject being taught.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Requirements for teachers of computer literacy and computer science

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Estimated implementation cost to the Department of Education for revision of Bulletin 746 is \$50.00 which will be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of this policy should result in approximately \$500.00 being collected based on an estimated 50 teachers adding this certification at \$10 per addition.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The state tuition exemption program will pay for tuition for teachers to take the necessary courses for certification, however, it could cost the individual teacher \$10 to add this endorsement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

This proposed action will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Textbooks**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated implementation cost to the agency would be \$5,000.00 which would be absorbed in the current budget for textbook adoption.

This will afford the local school systems in Louisiana more choices in the selection of elementary foreign language programs to be used in the classroom. The adoption in foreign language held in 1984 only selected 3 basal programs from which the systems have to choose.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

None

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et. seq., in particular Sections 1065B and 1084B(1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed revisions to the Louisiana Rules and Regulations for the Fee System of the Air Quality Control Program. The Department will afford all interested persons the opportunity to submit comments on the proposed revisions, orally or in writing at a public hearing scheduled on November 1, 1984 at 10 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than November 1, 1984 to Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804-4066, or phone 504/342-9029.

The proposed revisions to the Fee System for the Air Quality Control Program creates new categories; increases the unit

quantity to allow a 7.5 percent increase in categories 96, 98, 150 and 151; and makes technical changes to categories 143-149.

The agency contact responsible for responding to inquiries or requests for copies of the proposed Air Quality Division revisions is Terrie deLorimier, Box 44066, Baton Rouge, LA. 70804-4066, or phone 504/342-9029. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Rd., Metairie, LA.

Department of Environmental Quality, Eighth floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 Thirty-first Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Air Quality Division Fee System**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no estimated additional implementation costs or savings to the state or local agencies because all expenses associated with the implementation of the fee system will be incurred via the existing budget. The cost associated with filling five vacancies will be derived from the additional funds received as a result of the implementation of the new fee system and will have no effect on the budget of state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Air Quality Division anticipates collecting an additional \$125,000 from this increase. The increase affected by the proposed rule change is in self-generated funds. The estimated increase is derived from three areas. They are:

1. A lifting of the maximum of three pipeline sources. Approximately \$15,000 increase.
2. The equalization of electrical utility fees affecting thirteen sources. Approximately \$20,000 increase.
3. An increase of 7.5 percent for all current and newly permitted sources. Approximately \$90,000.

However, there will be no effect on revenue collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The estimated cost to the regulated industry will be \$125,000. The proposed fee increase benefits the regulated industries because the state will retain its authority in administering federal programs. This is desirable because it allows industry more direct access to the State than would be with the EPA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employ-

ment for industry. However, the Air Quality Division intends to hire five new staff members.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et. seq., in particular Section 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed New Source Performance Standards October 10, 1984. The Department will afford all interested persons the opportunity to submit comments on the proposed regulations, orally or in writing at a public hearing scheduled on November 1, 1984 at 10 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. All written comments should be submitted no later than November 1, 1984 to Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, La. 70804-4066, or phone 504/342-9029.

The proposed regulations consist of the following:

- a. Revisions to Section 4.0
- b. Revisions to Sections 18.1, 19.2, 20.2, 21.2, 22.2, 23.2, 24.2, 25.2, 26.2, 28.2, 29.2
- c. Establishment of Sections 30.0 through 39.0, 42.0, 43.0
- d. Establishment of Test Methods 1, 2A and B, 3, 4, 6A and B, 7A and B, 8, 9, 11, 15, 17, 19.

The proposed regulations limit the amount of air pollution that specific types of new and modified sources can emit. These standards are set to allow industrial growth while maintaining present air quality. These limits will be applied uniformly to all new stationary sources of the types covered by these proposed regulations.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Terrie deLorimier, Box 44066, Baton Rouge, La., 70804-4066, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Rd., Metairie, LA.

Department of Environmental Quality, Eighth floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 Thirty-first Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement

For Administrative Rules

Rule Title: NSPS Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no additional implementation costs or savings to state or local agencies because all expenses associated with implementation of these proposed regulations will be incurred via the existing budget and staff.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections being that an overall compliance fee has already been implemented.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs to affected groups because the industry has already implemented these regulations under federal requirements.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment because these regulations have been in place many years on the federal level.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy Nuclear Energy Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Radiation Regulations.

The proposed amendments would create a new Part "Y" to the Louisiana Radiation Regulations and rescind the Nuclear Energy Division fee schedule previously adopted by the Louisiana Environmental Control Commission on July 20, 1981.

The primary purposes of the proposed amendments are to add new categories of regulated activities entitled "Consultant" and "Nuclear Electric Generating Station", to consolidate certain categories of regulated activities, and to increase the annual fee of certain categories of regulated activities to more accurately reflect the cost of the regulatory activities of the Division.

A public hearing will be held at 10 a.m. on November 1, 1984, in the Mineral Board Hearing Room on the First Floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendment. Such comments should be submitted no later than November 1, 1984, to William H. Spell, Administrator, Louisiana Nuclear Energy Division, Box 14690, Baton Rouge, LA 70898-4690. The agency contact responsible for responding to inquiries concerning the proposed amendments is Mr. Spell. He may be contacted at the address above, or telephone (504) 925-4518. A copy of the proposed fee schedule may be obtained from the Louisiana Nuclear Energy Division at the address provided above.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Nuclear Energy Fee Schedules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is not anticipated that this rule change would add any cost to the Division's collection of fees since the collection program is already in place. This rule would only change the amount of certain fees; however, if this rule/fee schedule change is adopted, the Nuclear Energy Division will use the new funds generated to hire additional staff and fill existing vacancies.

Also, any local governmental unit that already has a license or registration will have to pay the new fee as indicated in the proposed Part Y (i.e. Nuclear Energy Program Fee Schedule).

Generally, the major impact to state governmental units as a result of implementation of this rule/schedule will be placed on higher learning institutions and to the state's charity hospitals (e.g. L.S.U. increase = \$1,725; Charity, New Orleans increase = \$1,335).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

If this rule/fee schedule change is adopted, it is estimated that revenue collections to the state will increase by approximately \$305,000 on an annualized basis; however, adoption of this proposal will have no effect on collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

If the proposed fee schedule is adopted, the annual cost to directly affected persons or nongovernmental groups will range from \$25 (for x-ray) to \$250,000 (for Commercial Waste disposal involving burial) for the initial application fee and/or annual maintenance fee as indicated in Part Y/Nuclear Energy Program Fee Schedule. The combined estimated costs to directly affected persons or nongovernmental groups will be approximated \$305,000 annually. The economic benefits will be derived by the Nuclear Energy Division to help offset the cost of administering programs as mandated by state law(s).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no anticipated effect on competition and employment. Any company wishing to work in Louisiana with radioactive material must do so under reciprocal recognition of their out-of-state license. The fee for reciprocal recognition will be the same as the annual fee for a Louisiana license. Therefore, there should be no unfair competition from out-of-state companies that may have smaller license fees.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et. seq., in particular Section 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed revisions to Section 22.0 of the Louisiana Air Quality Regulations October 10, 1984. The Department will afford all interested persons the opportunity to sub-

mit comments on the proposed revisions, orally or in writing at a public hearing scheduled on November 1, 1984 at 10:00 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. All written comments should be submitted no later than November 1, 1984 to Ms. Terrie deLorimier, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804-4066, or phone 504/342-9029.

The proposed revisions to Section 22.0 are intended to control equipment leaks of Volatile Organic Compounds (VOC) from synthetic organic chemical and polymer manufacturing plants (SOCMI), natural gas/gasoline processing plants, and polyethylene, polypropylene and polystyrene plants. The adoption of these proposed revisions will set in place reasonable available control technology (RACT) requirements for these sources.

The state was unable to demonstrate attainment of the ozone standard in East and West Baton Rouge Parishes by the statutory deadline of December 31, 1982. As the air program is statewide in Louisiana, EPA is requiring submittal of a State Implementation Plan (SIP) revision by February 1985. The proposed revisions to Section 22.0 requiring RACT must be adopted and included as part of the SIP revision before EPA will approve this as a strategy to attain the ozone standard. If this deadline is not met, EPA has statutory authority with which to impose economic sanctions against Louisiana.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Terrie deLorimier, Box 44066, Baton Rouge, LA, 70804-4066, or phone 504/342-1206. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945 North I-10 Service Rd., Metairie, LA.

Department of Environmental Quality, 8th floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 22.0**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no additional implementation costs or savings to the agency because all expenses associated with the implementation of these proposed revisions will be incurred via the existing budget and staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no estimated effect on revenue collections being that an overall compliance fee has already been implemented.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The capital cost of initially implementing the proposed RACT requirements will vary with the size of the unit or component being controlled. On the average, the annual cost to those directly affected will range from \$11,500 to \$76,000 for equipment and operating cost; however, up to 97% of this cost will be offset by product recovery.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no estimated effect on competition and employment.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR amends Chapters 3, and 7, of the existing regulations, and adds a new Chapter 25 entitled "Fee Schedules". The existing fee system for hazardous waste treatment, storage, and disposal facilities either commercial or non-commercial will remain the same and are listed under the annual fee schedule.

The primary purpose for the addition of Chapter 25 to the LHWR, proposed amendments is to add a new fee schedule for all generators of hazardous waste that do not dispose of hazardous waste on-site and are thus not treaters, storers or disposers. Generators of hazardous waste were not covered under the previous hazardous waste fee schedule.

A public hearing will be held at 7 p.m. on November 1, 1984, in the Mineral Board Hearing Room on the First Floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than December 10, 1984, to Glenn Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44066, Baton Rouge, LA 70804-4066. Mr. Miller may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural
Resources Building
Room 600, 6th Floor
625 North Fourth Street
Baton Rouge, Louisiana

Department of Environmental
Quality
804 31st Street
Monroe, Louisiana

State Office Building
1525 Fairfield Avenue
Shreveport, Louisiana

Department of Environmental
Quality
3945 North I-10 Service Road
Metairie, Louisiana

Department of Environ-
mental Quality
1155 Ryan Street
2nd Floor
Lake Charles, Louisiana

Department of Environmental
Quality
100 Epplen Road
Lafayette, Louisiana

Patricia L. Norton,
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 25: Fee Schedules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional personnel cost to administer the addition of this amendment being that existing staff can perform the functions as required by this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

In the first year the registration fees paid by the generators will be \$2,425.00 and the annual maintenance fees will be \$72,750.00 for a total of \$75,175.00. Only the maintenance fee will be generated the second year and subsequent years. The revenue collections will be handled at the States level and will not have any effect on local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

These regulatory amendments require that all generators of hazardous waste pay a one-time registration fee of \$2,425.00 and an annual maintenance fee of \$72,750.00. Any non-governmental group affected by these costs should have a minimum personnel cost associated with reporting and recordkeeping.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition or employment between firms and/or non-governmental agencies; since they will all be covered by the same rules.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Governor's Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Office of Elderly Affairs intends to delete the policy that contractors' governing Boards should meet monthly.

This policy is being deleted so that there will be no conflict with subsection 501.B.3 which states the Council on Aging Board of Directors should meet quarterly.

Subsection 800, Chapter I, Number 7 of the Governor's Office of Elderly Affairs Policy Manual will be revised by deleting the following sentence: "To accomplish this, the Board should meet at least once a month."

Persons having copies of the GOEA Policy Manual may obtain copies of the revised page by writing: Mrs. Betty N. Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Monthly Meeting Requirement Deleted

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The amendment of subsection 800, Chapter I, Number 7 will have no impact on costs or savings to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no effect on affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Governor's Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Office of Elderly Affairs intends to amend the rule governing Parish Council on Aging Board of Directors Meetings.

The rule is being amended to conform with the provisions of LA R.S. 42:4.2 A.(3) (Open Meetings Law), which defines a quorum for public meetings.

Subsection 501 B.3. of the Governor's Office of Elderly Affairs Policy Manual will be revised to read as follows: "The board of directors shall meet at least once every three months. If an executive committee is established, it may meet in the months when the board of directors does not meet. There shall be an annual meeting of the board of directors and the general membership of the Council on Aging. All policy making, advisory, or administrative meetings shall be publicized in accordance with state public meetings laws (La. R.S. 42:4.1 et seq.) A simple majority of the policy making, advisory, or administrative body shall constitute a quorum. The Council on Aging by-laws shall contain a prohibition against proxy voting by policy making, advisory, or administrative bodies, as well as a description of voting procedures."

Persons having copies of the GOEA Policy Manual may obtain copies of the revised page by writing: Mrs. Betty N. Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA. 70898-0374.

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Simple Majority Required for Quorum

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The amendment of subsection 501.B.3 will have no impact on costs or savings to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners**

For Nursing Home Administrators

Board intends to adopt new rules for continuing education to comply with change in licensing law R.S. 37:2507.

RULE 14. Approval of programs of study.

A. Continuing Education programs of study are designed to meet the requirements and qualifications for re-registration of a licensee as a nursing home administrator under and pursuant to the State licensing statute, and the Rules and Regulations shall:

RULE 17. Registration of License

A. . . . Thereafter, such individual shall biennially apply to the Board for a new certificate of registration and report any facts required by the Board on forms for such purpose.

B. Upon making an application for a new certificate of registration such licensee shall pay a biennial registration fee of one hundred fifty dollars (\$150.00) and, at the same time, shall submit evidence satisfactory to the Board that, during the biennial period immediately preceding such application for registration, he has attended a continuing education program or course of study as provided in Rule 14, Paragraph A, of these Rules and Regulations. A copy of the certificate(s) of attendance for the 30 hours of approved continuing education is to be attached to the biennial re-registration application, unless the sponsoring organization has previously notified the Board.

RULE 19. Complaints and Hearing Procedures

A. Registration of complaints

2. Such charges shall be submitted to the Board in writing and under oath.

RULE 22. Restoration and Reinstatement of Licenses

A. A license may be restored after revocation by the Board at its discretion upon submission of evidence satisfactory to the Board that the applicant for such restoration of license has removed the disability. The requirements of Rule 8, Paragraph A, Item 2 shall be applicable to applicants for license who have been convicted of a felony. In the case of revocation of license due to a six-month suspension (Rule 18, Paragraph A, Item 9) or voluntary surrender, the applicant shall file a new application based on current requirements, and submit to all requirements as a new applicant, including sitting for all examinations.

RULE 26. Applicability, Legal Effect, Separability

C. These Revised Rules and Regulations shall take effect on July 1, 1983, and shall replace those Rules and Regulations previously effective April 1, 1970, and revised on January 20, 1971; July 1, 1972, March 7, 1973, July 1, 1974, July 1, 1975, April 1, 1976, July 1, 1977, July 1, 1978, July 1, 1979 and July 1, 1980.

Interested persons may submit written comments on the proposed Regulations at the following address: Winborn E. Davis, Executive Secretary, Louisiana State Board of Examiners for Nursing Home Administrators, 3535 Government St., Suite D, Baton Rouge, La. 70806.

Winborn E. Davis
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Nursing Home Rules and Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Biennial registration will save Board approximately \$75.00 per year in postage. It will save licensees time, effort and some postage. (This is due to cutting large mail-outs to every two years in lieu of every year.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no added cost to any group affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Winborn E. Davis
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners for Speech Pathology and Audiology**

In accordance with applicable provisions of the Administrative Procedure Act, L.R.S. 49:950 et seq., the Louisiana Board of Examiners for Speech Pathology and Audiology has scheduled a public hearing to consider the adoption of certain rules regarding the issue of Restricted Licenses to practice speech pathology to certain individuals. The proposed rule change is set forth below:

A. Upon application to the Board, Restricted License will be granted to individuals described as "Interns" in Section 2653(3) of L.R.S. 37:2651 through 37:2665, subject to the following stipulations which govern the granting of the Restricted License:

1. The Intern must present official transcripts to the Board from an accredited educational institution showing that the intern is the recipient of at least a baccalaureate degree with a minimum of 27 semester hours in the field in which licensure is sought (i.e.: either Speech Pathology or Audiology), to include courses in the following areas:

- a) Introduction to Audiology;
- b) Aural rehabilitation;
- c) Articulation disorders;
- d) Language disorders;
- e) Voice disorders;
- f) Fluency disorders;
- g) Normal language development;
- h) Anatomy and physiology of the speech and hearing mechanism;

i) Phonetics.

2. The Intern must submit evidence, verified by an accredited educational institution, to the Board of the completion of 150 clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs. Of these 150 clock hours, the Intern must submit evidence of a minimum of 25 clock hours of supervised, direct clinical experience with individuals in each of the following areas:

- a) Articulation disorders;
- b) Language disorders;
- c) Diagnosis of communication disorders.

3. The Intern must submit a Letter of Intent to the Board, on a form furnished by the Board, certifying the courses the Intern intends to study under Section B. below.

4. The Intern will be supervised during the period of Restricted Licensure by an individual holding a Full Valid Louisiana License, and under a Supervision Plan and in conformity with the rules and regulations for supervision designated by the Louisiana Board of Examiners for Speech Pathology and Audiology.

B. Renewal of the Restricted License issued to an Intern can be accomplished at the end of one year only if the Intern:

1. Submits the required Supervision Plan to the Board at the time an application for renewal is made; and
2. Submits evidence to the Board from an accredited educational institution of the completion of six semester hours during the year for which the Restricted License last had been issued and in the area for which the Restricted License had been issued (i.e., Speech Pathology or Audiology); or
3. Submits evidence to the Board from an accredited educational institution of the completion of six semester hours which can be credited toward issuance of teacher certification as a speech, language and hearing specialist.

Interested persons may voice their opinions concerning the proposed rule at the meeting of the Louisiana Board of Examiners for Speech Pathology and Audiology scheduled for November 27, 1984 at Holiday Inn, Financial Plaza, Exchange Room, Shreveport, Louisiana, or may write directly to the Chairperson of the Board, Michael C. Norman, M.C.D., at Box 355, Prairieville, LA 70769.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Intern Rule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation costs consist of increased clerical costs and are estimated at \$1,500.00
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Costs to those paying fees for licenses (present licenses) as a group are estimated at \$2,000.00 annually for clerical, supervisory and administrative expenses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition is expected to increase, because of the greater number of licensees who will participate in the search for employment; however, there appears to be a present shortage of competent speech therapists.

Joseph P. Tynan
Attorney

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Pharmacy**

In accordance with the applicable provisions of the Administrative Procedure Act, Louisiana Revised Statutes 49:950, et seq., notice is hereby given that the Louisiana Board of Pharmacy intends to adopt Regulation Section 22, which restructures and supersedes the present Section 22.

Written comments may be addressed to Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808, until 4 p.m., Friday, November 23, 1984.

The Board will conduct an open hearing in the University Room of the Fairmont Hotel in New Orleans, Louisiana, at 1 p.m., Monday, November 26, 1984.

Howard B. Bolton
Executive Director

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Howard B. Bolton
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 22**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Initial printing cost of \$500.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a 4.2 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

Revised Statute 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1 to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 4.2 percent increase in the cost of living:

Urban-Orleans, Jefferson, East Baton Rouge
and St. Bernard

Size of Household	<u>Non-Urban</u>		<u>Current Need Standard</u>	<u>Increased Need Standard</u>
	<u>Current Need Standard</u>	<u>Increased Need Standard</u>		
1	\$ 192.00	\$ 200.00	\$ 209.00	\$ 217.00
2	358.00	373.00	400.00	416.00
3	507.00	528.00	556.00	579.00
4	632.00	658.00	684.00	712.00
5	752.00	783.00	808.00	841.00
6	863.00	899.00	920.00	958.00
7	976.00	1,016.00	1028.00	1,071.00
8	1084.00	1,129.00	1138.00	1,185.00
9	1187.00	1,236.00	1242.00	1,294.00
10	1293.00	1,347.00	1347.00	1,403.00
11	1406.00	1,465.00	1461.00	1,522.00
12	1522.00	1,585.00	1578.00	1,644.00
13	1645.00	1,714.00	1691.00	1,762.00
14	1765.00	1,839.00	1810.00	1,886.00
15	1887.00	1,966.00	1933.00	2,014.00
16	2007.00	2,091.00	2063.00	2,149.00
17	2130.00	2,219.00	2164.00	2,254.00
18	2251.00	2,345.00	2300.00	2,396.00

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

GA NEED STANDARD

Size of Household	Current	Increased
1	\$317.00	\$330.00
2	\$400.00	\$416.00

A copy of this proposed rule and its Fiscal and Economic Impact Statement is available for review in each parish in the local Office of Family Security.

A public hearing will be held on this rule change on November 1, 1984, at 9:30 a.m. in the Louisiana State Library Auditorium, Baton Rouge, Louisiana.

Interested persons may submit written comments through November 1, 1984, at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton

Rouge, LA 70804. Marjorie T. Stewart is the person responsible for responding to inquiries regarding this proposed rule.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: AFDC/GA Need Standard Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
- A. There is no additional cost in AFDC or GA as this proposed increase in the Need Standard will not affect eligibility of applicants or have any effect on existing grants. No new staff or additional administrative costs will be required.
- There is no additional cost in GA as the Need Standard is no longer used as it is related only to GA clients receiving Vocational Rehabilitation maintenance, which is no longer applicable.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
- There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
- A. There will be no costs to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
- No effect on competition and employment is anticipated.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to provide for imposition of civil penalties for provider fraud and misrepresentation and for agency review of suspected cases of violation of any state or federal statute or regulation governing the Medical Assistance Program.

Act 858 of the 1984 Regular Session of the Louisiana Legislature authorizes these changes.

PROPOSED RULE

A. Effective January 1, 1985, any health care provider determined by the Office of Family Security, pursuant to an Administrative Procedure Act adjudication hearing, to have wrongfully and fraudulently received payment for furnishing any service or merchandise under the Medical Assistance Program by means of intentional fraud, an intentional false statement, or intentional concealment of a material fact, and any health care provider who has pled guilty or has been convicted of a violation of R.S. 14:70.1 shall, in addition to any other penalty provided by law, be liable for civil penalties of:

1. Payment of interest on the amount of the excess payments at the maximum rate of legal interest provided by Article 2924 of the Civil Code from the date upon which payment was made to the date upon which repayment is made to the state, and

2. Payment in the sum of \$2,000 for each fraudulent claim submitted for providing any service or merchandise.

B. Civil action may be brought to recover the penalties specified in Subsection A only after the agency adjudication or criminal conviction becomes final, and in no case shall civil action

be brought more than one year after the date such agency adjudication or criminal conviction becomes final. If the judicial review of any agency adjudication is sought, a civil suit may be filed for recovery of any civil penalty provided herein during the pendency of such judicial review, and the reviewing court shall consolidate both actions and hear them concurrently. A criminal action need not be brought against the health care provider before civil liability attaches under this statute.

C. In cases where the Office of Family Security has any reason to believe that a health care provider has violated any state or federal statute or regulation governing the Medical Assistance Program, it shall conduct an investigation of such matter in compliance with the terms and conditions of 42 CFR 455.10 through 42 CFR 455.22. If the preliminary investigation indicates that a possible violation may have occurred, the secretary of the Department of Health and Human Resources or his/her designee shall conduct a personal interview with such provider at which time the provider may present documentation in support of his or her position. Following such investigation, the department may refer such cases to other state or federal agencies for action if the department has reasonable cause to believe that a violation has occurred.

D. For purposes of this rule, "health care provider" shall mean any person, firm, corporation, partnership, or other legal entity furnishing a service or merchandise under the Medical Assistance Program.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Civil Penalties: Provider fraud, et. seq.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
- Implementation of this rule will have no measurable fiscal impact at this time. Since the imposition of civil penalties would normally follow the criminal conviction and imposition of criminal penalties, we are unable to estimate the instances in which the application of civil penalties would be pursued or the amount of assessments which would be imposed.
- This rule also provides that the Office of Family Security shall conduct a personal interview with any provider suspected of violating any state or federal law or regulation in order to allow the provider to present documentation in support of his or her position. Following this interview, OFS may refer the case to other investigating agencies, including the Medicaid Fraud Unit in the Office of the Attorney General, if OFS still has reasonable cause to believe that a violation has occurred. Current rules call for OFS to refer suspected violations

to the Medicaid Fraud Unit without notifying the provider. It is impossible to determine the impact of this new procedure on the success rate of prosecutions for fraud and on the amount of funds recovered and penalties imposed in such cases.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Providers enrolled in the Medical Assistance Program who are determined to have committed fraud and misrepresentation could be required to pay civil penalties in the amount of \$2,000 per claim plus interest on the amount of excess payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rules in the Aid to Families with Dependent Children (AFDC) Program. These rules will be effective October 1, 1984 as mandated by the Deficit Reduction Act of 1984 (P.L. 98-369) and published in the *Federal Register* of Monday, September 10, 1984, Vol. 49, No. 176, pages 35586-35606.

RULES

I. *Gross Income Limitation*

The gross income limitation shall be increased to 185 percent of the state's standard of need.

II. *Work Expense Deduction*

The first \$75 of monthly earnings for full and part-time employment shall be disregarded.

III. *Extension of \$30 Disregard*

The \$30 disregard shall be applied for the first 12 consecutive months in excess of the standard work expense (\$75) and dependent care disregards.

IV. *Extension of Medicaid/Work Transition Status*

A work transition period which provides Medicaid coverage for 9 months to families who lose eligibility for AFDC because of the termination of the one-third disregard shall be established.

Families who have been terminated from AFDC prior to October 1, 1984, because of the loss of the \$30 plus one-third disregard also are eligible for the work transition status and Medicaid, but must disclose any private health insurance coverage at the time of application, must apply within six months from the date regulations become final, and must have been continuously eligible for AFDC if the \$30 and one-third disregard had been applied.

V. *Exclusion of Burial Plots, Funeral Agreements, and Certain Property From Resource Test*

One burial plot and one funeral agreement per family member shall be exempt from the AFDC resource limitation. Real property which the family is making a good faith effort to sell also shall be exempt for 9 months, provided the family agrees to repay the AFDC benefits received during that time.

VI. *Monthly Reporting*

The following characteristics have been revised or added to the list of characteristics which determine which AFDC and Ref-

ugee Resettlement Case households will be included in monthly reporting:

(1) When stepparents income is budgeted

(2) When income is deemed from parents to a minor unmarried mother.

Certifications in which deprivation is based on incapacity (AFDC only) shall be removed as a characteristic.

VII. *Treatment of Earned Income Tax Credit*

Earned Income Tax Credit shall be counted as income only when actually received.

VIII. *Work and Training Requirements For Pregnant Women*

Any woman beginning from the sixth month of pregnancy shall be exempt from the work registration requirement.

IX. *Recalculate Lump Sum Income In Certain Circumstances*

The period of ineligibility based on lump sum income may be recalculated when one or more of the following applies:

(1) As a result of yearly increases in the Need Standard, action to adjust the period of ineligibility as a result of Need Standard increases is required only if the former recipient reapplies for assistance during the period of ineligibility.

(2) Life threatening circumstances arise prior to its expiration which require the assistance unit to expend all or part of the lump sum income in meeting the expenses related to such circumstances.

(3) The lump sum or a portion of the lump sum becomes unavailable as a result of circumstances beyond the client's control, such as verified loss or theft, or the person who received the lump sum leaves the home and makes the money unavailable to the remaining assistance unit.

X. *Overpayment Recoupment*

Recovery of an overpayment will be waived when it can be reasonably assumed that the cost to collect the overpayment will exceed the amount owed. Nonfraud overpayments of less than \$35 to former recipients will automatically be waived.

XI. *Protective Payments*

Protective payments may be made to a sanctioned individual who is not in compliance with work program or certain child support requirements.

Protective payments may be made to the sanctioned individual only if, after all reasonable efforts have been made, the OFS is unable to identify a suitable protective payee, and prolonging the search may prove detrimental to the child's well-being.

XII. *Eligibility Requirements For Aliens*

An alien is ineligible for benefits, for three years from date of entry into the U.S., when an agency or organization has executed an affidavit of support as a sponsor for that alien's entry into the U.S., unless the OFS determines that the sponsoring agency or organization is no longer in existence, or that it does not have the financial ability to meet the alien's needs.

XIII. *Information With Respect To Fugitive Felons*

OFS may disclose, to state and local law enforcement officers, the current address of any AFDC recipients who are fugitive felons if the law enforcement officer gives the agency the recipient's name and social security number and satisfactorily demonstrates that the recipient is a fugitive felon.

XIV. *Standard Filing Unit and Child Support Disregard*

Parents and all minor siblings living with a dependent child who applies for or receives AFDC shall be included in the filing unit. SSI recipients, stepbrothers and stepsisters are excluded from this requirement. In addition, if a minor who is living in the same home as his/her parents applies for aid as the parent of a needy child, the income of the minor's parents will be counted as available to the filing unit (after applying the same disregards as are applied to the income of stepparents). In addition, the provision establishes a monthly disregard of \$50 of child support received *by a family*. This

disregard is applied both at eligibility determination and at benefit calculation.

XV. Earned Income of Full-time Students

For purposes of applying the gross income limitation, the earned income of an AFDC child who is a full-time student may be disregarded under the same limitations with respect to amounts and period of time (not to exceed six months) as are applied in the case of dependent children who participate in a program under the Job Training Partnership Act.

It is necessary to adopt this Notice of Intent to allow for timely implementation of the Deficit Reduction Act of 1984 (P.L. 98-369).

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency rule was published in the September 20, 1984, *Louisiana Register* (Volume 10, Number 9).

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: DEFRA Changes**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated savings in FY 84-85 is \$4,454,690 (State) and \$8,077,477 (Federal) in FY 85-86 \$5,888,356 (State) and \$10,675,234 (Federal) and in FY 86-87 is \$5,835,501 (State) and \$10,579,409 (Federal). The above estimates reflect the impact of earned income disregards (1984-85 total costs of \$1,415,093), work and training requirements for pregnant women (1984-85 total costs of \$268,223), the inclusion of earned-income of full-time students (1984-85 total savings of \$14,218,911), plus administrative costs (\$3,428 in 1984-85). The net impact on caseload of these rules will be closure of an estimated 2,504 cases.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule will result in a decrease in federal revenue of \$8,077,477 in 1984-85, \$10,675,234 in 1985-86 and \$10,579,409 in 1986-87.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The standard filing unit provision will have a major impact on recipients as people and their income in the home will now be included in the grant. Some recipients will benefit from the other provisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rules in the Title XIX Medical Assistance Program.

PROPOSED RULES

Effective January 1, 1985, the following policy will be adopted in the Medical Assistance Program.

I. The Medical Assistance Program shall enact Medicaid coverage for first-time pregnant women from medical verification of pregnancy. This group of eligibles must meet AFDC eligibility requirements. This group is currently covered only in the last trimester of pregnancy.

II. The Medical Assistance Program shall enact Medicaid coverage for pregnant women in two-parent families. Eligibility for Medicaid coverage begins from verification of pregnancy and when the principal breadwinner becomes unemployed or underemployed. This group of eligibles must meet AFDC income and resource requirements. The AFDC eligibility factors of deprivation, WIN/work registration and referral to Child Support Enforcement Services are not required.

AFDC-unemployed parent eligibility for Medicaid assistance requires that the principal wage earner be unemployed or underemployed (less than 100 hours per month) for a minimum of 30 days, have an earnings history, not be unemployed as a result of a strike, or not refuse a bona fide offer of employment within the 30-day period without good cause. AFDC-unemployed parent eligibility begins on the expiration of the 30-day waiting period, and only the pregnant woman qualifies for Medical Assistance benefits.

III. The Medical Assistance Program shall implement policy which deems eligible a child born to a woman eligible for and receiving Medicaid at the time of birth. The child's deemed eligibility is applicable for one year or as long as the woman remains eligible and the child remains a member of the household.

IV. The Medical Assistance Program shall implement policy to provide Medicaid coverage to children born on or after October 1, 1983, up to age five, if the family meets all AFDC eligibility criteria. Deprivation will not be an eligibility factor for this group, and children in two-parent families may be eligible under this provision.

V. The Medical Assistance Program shall implement Supplemental Security Income (SSI) resource policy for determining countable resources with regard to retroactive SSI and OASDI benefit payments. Social Security Administration and SSI retroactive payments shall not be considered as a resource for six months after the month in which the payment is received.

VI. AFDC recipients who become ineligible for a grant as a result (wholly or partly) of the collection or increased collection of child or spousal support, and who have received such aid in at least three of the six months immediately preceding the month in which such ineligibility begins, shall be deemed Medicaid eligible for an additional four calendar months beginning with the month in which such ineligibility began.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register* (Volume 10, Number 9). This action was necessary to insure timely implementation as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding these proposed rules. Copies of the proposed rules and their fiscal and economic impact statements are available for review in each local Office of Family Security.

A public hearing on the proposed rules will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Medicaid Eligibility for First-time Pregnant Women

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85	FY 85-86	FY 86-87
State	\$112,204.00	\$164,267.00	\$180,365.00
Federal	<u>\$179,614.00</u>	<u>\$262,955.00</u>	<u>\$288,725.00</u>
Total	\$291,818.00	\$427,222.00	\$469,090.00

The above estimates are based on 1,150 pregnant women certified for AFDC as the sole recipient.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

FY 84-85	\$179,614.00	(FFP = 61.55%)
FY 85-86	\$262,955.00	(FFP = 61.55%)
FY 86-87	\$288,725.00	(FFP = 61.55%)

The above estimates reflect the increase in federal revenues resulting from increased Medicaid expenditures.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed change to provide Medicaid coverage for first-time pregnant women from medical verification of pregnancy will provide needed medical services for this group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Medicaid Coverage for Women in Two-Parent Families

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85	FY 85-86	FY 86-87
State	702,429.00	1,682,764.00	1,847,675.00
Fed.	<u>1,124,434.00</u>	<u>2,693,735.00</u>	<u>2,957,721.00</u>
Total	\$1,826,863.00	\$4,376,499.00	\$4,805,396.00

The above estimates are based on an average case-load for pregnant women in two-parent families of 1,500.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an in-

crease in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows:

FY 84-85	\$1,124,434.00	(FFP = 61.55%)
FY 85-86	\$2,693,735.00	(FFP = 61.55%)
FY 86-87	\$2,957,721.00	(FFP = 61.55%)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed change to provide Medicaid coverage for pregnant women in two-parent families will provide needed medical services for this group when the principal breadwinner is either unemployed or underemployed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Number III—Deemed Medicaid Eligibility for Children Born to Women Who Are Medicaid Eligible

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Medicaid cost impact for this group will be negligible. Most children born to a Medicaid eligible mother are determined eligible. The intent and major effect of this portion of the notice is to prevent delay in getting the Medicaid eligibility on the Data Systems for payment for services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: "Ribicoff" Children

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85	FY 85-86	FY 86-87
	(9 months)		
State	\$223,628.00	\$327,391.00	\$359,475.00
Federal	<u>357,978.00</u>	<u>524,081.00</u>	<u>575,441.00</u>
Total	\$581,606.00	\$851,472.00	\$934,916.00

The above estimates assume 1,146 additional children eligible for Medicaid coverage as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an in-

crease in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows:

FY 84-85	\$357,978.00	(FFP = 61.55%)
FY 85-86	\$524,081.00	(FFP = 61.55%)
FY 86-87	\$575,441.00	(FFP = 61.55%)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed change to provide Medicaid coverage to children born on or after October 1, 1983, up to age 5, if the family meets all AFDC criteria except deprivation will allow this group to receive needed Medicaid-covered services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Six-Month Disregard of SSI/SSA
Lump Sum payment**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The cost impact of this provision will be negligible. Supplemental Security Income (SSI) recipients are Medicaid eligible as determined by SSI. Lump sum consideration will be handled via normal SSI/SDX transmission to the State. Retroactive SSI payments in Medical Assistance cases impact only a very small minority of Long Term Care clients. The month of nursing home admission is the usual month covered by the retroactive payment and we currently disregard the payment because the client must pay the month of entry per diem facility liability from the payment.

OASDI Lump Sum received by SSI recipients will also be handled by SSI and transmitted to the State via SDX regular process.

OASDI Lump Sums received by the Medically Needy Program are usually received after the MNP certification period and would therefore have no impact.

OASDI payments received by Long Term Care recipients will be countable as income in the month of receipt and applicable to the facility fee as income per the usual criteria. Any portion remaining after the month of receipt will be disregarded as income. The lump sum would have to be over \$2,500 before eligibility would be affected under current policy. Most lump sum payments from OASDI received currently do not impact eligibility for six months. No real cost impact is projected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Extended Medicaid When AFDC
Eligibility is Lost**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85 (9 months)	FY 85-86	FY 86-87
State	294,658.00	517,655.00	568,000.00
Federal	471,682.00	828,651.00	909,244.00
Total	\$766,340.00	\$1,346,306.00	\$1,477,244.00

The above estimates reflect the costs of extending Medicaid eligibility by four months to 150 AFDC families who would become ineligible because of child support collections.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an increase in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows:

FY 84-85	\$471,682.00	(FFP = 61.55%)
FY 85-86	\$828,651.00	(FFP = 61.55%)
FY 86-87	\$909,244.00	(FFP = 61.55%)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed change to terminate AFDC benefits and extend Medicaid benefits because of increased support collections will result in an overall loss of money payments to recipients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Food Stamp Program. The rule entitled "Standard Utility Allowance for the Food Stamp Program" which was published in the *Louisiana Register* of January 20, 1984, Volume 10, Number 1, Page 9 is hereby amended.

PROPOSED RULE

Effective October 1, 1984, the standard utility allowance in the Food Stamp Program shall be \$161.

Emergency rulemaking was invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984 *Louisiana Register* (Volume 10, Number 9).

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is

the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Food Stamp Standard Utility Allowance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The cost in FY 84-85 is \$25.00 (State) and \$25.00 (Federal). Any increase in benefits to recipients will be totally federally funded.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Approximately 144,000 Food Stamp households will use and should benefit from this increase in the utility standard. Elderly and disabled households will benefit most. Administration will be simplified by easing the burden of verifying actual utility cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective January 1, 1985, the Title XIX State Plan, Attachment 4.19-D, page 23, paragraph D shall read as follows:

D. PAYMENT DURING A TEMPORARY ABSENCE OF THE RECIPIENT FROM THE FACILITY

A temporary absence of a recipient from a long term care facility, including a tuberculosis or mental hospital, shall not interrupt the monthly payment to the facility provided:

(1) the facility keeps a bed available for the recipient's return;

(2) the absence is for:

(a) hospitalization for an acute condition and does not exceed 15 days per hospitalization, or

(b) a leave of absence, defined as a visit with relatives or friends and included in the individual plan of care, not to exceed 18 days per calendar year.

The period of absence shall be determined by counting as the first day of absence the day the recipient left the facility. Only

a period of 24 hours or more shall be considered an absence. Likewise, a leave of absence for hospitalization or home visit is broken only if the recipient returns to the facility for 24 hours or longer.

Upon admission, a recipient must remain in the facility at least 24 hours for a claim to be made for payment for a day of service by the facility or for the recipient's bed to be reserved. For example, an individual admitted to a long term care facility in the morning and transferred to the hospital that afternoon would not be eligible for any payment for long term care facility services.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statements are available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LTC Reservation During Admission to a Psychiatric Hospital

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85	FY 85-86	FY 86-87
	(6 months)		
State	19,849.00	50,647.00	64,564.00
Federal	31,775.00	81,076.00	103,354.00
Total	\$51,624.00	\$131,723.00	\$167,918.00

Cost estimates are based on anticipated admissions of 24 patients per month to psychiatric hospitals in 1984-85 and projected increases of 21.5% in each year thereafter. Costs will result from the uninterrupted payment of benefits to the long-term care facility while patients are absent from the facility.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an increase in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows:

FY 84-85	\$31,775.00	(FFP = 61.55%)
FY 85-86	\$81,076.00	(FFP = 61.55%)
FY 86-87	\$103,354.00	(FFP = 61.55%)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Recipients of long term care services will benefit by being allowed to receive required psychiatric care without jeopardizing their place in a long term care facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective January 1, 1985, the following rules concerning therapeutic leave days for residents of Intermediate Care Facilities for the Handicapped (ICFs/H) shall be rescinded:

1. Emergency Rule adopted June 1, 1984, as published in the *Louisiana Register* on June 20, 1984, Volume 10, Number 6, Page 451. This rule rescinded the following two rules:

(a) Rule adopted February 1, 1983, as published in the *Louisiana Register* on January 20, 1983, in Volume 9, Number 1, Page 14. This rule allotted a number of therapeutic leave days per facility to be reimbursable under Title XIX based on the number of certified recipients enrolled in the facility as of January 1, 1983. This number would have been recomputed annually based on a specified formula. This policy change was disapproved by the Health Care Financing Administration (HCFA) in a letter dated January 20, 1984.

(b) Rule adopted April 20, 1983, as published in the *Louisiana Register* on April 20, 1983, in Volume 9, Number 4, Page 214. This rule amended the first rule by imposing limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days.

The Medical Assistance Program simultaneously, with the rescission of the above rules, reinstated policy concerning therapeutic leave days as it existed prior to February 1, 1983. This policy is found in the Title XIX State Plan in Attachment 4.19C, Pages 1 and 2 and Attachment 4.19D, Pages 21 and 23.

2. Rule adopted February 1, 1983, as published in the *Louisiana Register* on January 20, 1983, in Volume 9, Number 1, Page 14. This rule allotted a number of therapeutic leave days per facility to be reimbursable under Title XIX based on the number of certified recipients enrolled in the facility as of January 1, 1983. This number would have been recomputed annually based on a specified formula. This change was disapproved by HCFA in a letter dated January 20, 1984.

3. Rule adopted April 20, 1983, as published in the *Louisiana Register* on April 20, 1983, in Volume 9, Number 4, Page 214. This rule amended the first rule by imposing limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days.

Effective January 1, 1985, the Medical Assistance Program hereby amends the policy regarding the number of therapeutic leave days which are reimbursable under Title XIX for residents of ICFs/H from the current limit of 25 days per recipient per calendar year to 45 days per recipient per fiscal year where permitted by the recipient's plan of care. For the fiscal year 1984-85, the 45-day limitation will begin on September 1, 1984. For subsequent fiscal years, the 45-day limitation will be recomputed each July 1.

Leave days for the following purposes shall be excluded from the annual 45-day limitation per recipient:

1. Special Olympics
2. Roadrunner sponsored events

3. Louisiana planned conferences
4. Trial discharge leaves—limited to 15 days per occurrence

The above exclusions shall be applicable to all Title XIX ICF/H recipients effective January 1, 1984. When absences for the above purposes exceed the limit, additional days may only be reimbursed under Title XIX if included in the total number of therapeutic leave days claimed for the ICF/H recipient within the recipient's allotment of leave days.

Implementation of this rule is dependent on the approval of HCFA. Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Emergency rulemaking has been invoked to implement this policy effective September 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register*, (Volume 10, Number 9).

The Emergency Rule was necessary to institute an equitable leave day policy which promotes the health and well-being of recipients in ICFs/H as dictated in each recipient's plan of care. The recent change in the number of leave days from 25 to 50 and back to 25 in June, 1984, has resulted in some recipients depleting their 25 days for 1984. This means that some recipients will not be able to visit their families for the two approaching major holidays. This is a significant problem because of the special needs of these recipients diagnosed as mentally retarded. They may be living some distance from their families and, therefore, need overnight visits during the approaching holidays. The policy had to be effective immediately to enable recipients with no leave days for 1984 to spend the Thanksgiving and Christmas holidays with their families.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Leave Days for Recipients in ICFs/H

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

	FY 84-85	FY 85-86	FY86-87
State	263,244.00	289,042.00	317,368.00
Federal	<u>421,395.00</u>	<u>462,692.00</u>	<u>508,036.00</u>
	\$684,639.00	\$751,734.00	\$825,404.00

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an increase in expenditures with a concomitant increase in federal financial participation (FFP).

FY 84-85	\$421,395.00
FY 85-86	\$462,692.00
FY 86-87	\$508,036.00

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The proposed change will benefit recipients in ICFs/H by providing an equitable leave day policy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule change.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

PROPOSED RULE

Effective January 1, 1985, recipients of Medical Assistance (Title XIX) shall, as a condition of eligibility, be required to assign the right to any medical support or third party resource(s) to the Department of Health and Human Resources for that portion of medical benefits paid by the Medical Assistance Program in their behalf or in behalf of those for whom they are legally responsible.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, Louisiana Register (Volume 10, Number 9). This action was necessary to insure timely implementation as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Mandatory Assignment of Medical Support/
Third Party Resources**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Estimates include costs of postage and printing for mailouts to newly certified individuals. The costs are estimated as follows for the first three years of operation: State - \$42,480.00 and Federal - \$42,480.00 for 1984-85; State - \$2,750.00 and Federal - \$2,750.00 for 1985-86; and State - \$2,750.00 and Federal - \$2,750.00 for 1986-87.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rule will result in an increase in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows:

FY 84-85	42,480.00	(FFP = 50%)
FY 85-86	2,750.00	(FFP = 50%)
FY 86-87	2,750.00	(FFP = 50%)

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following policy in the Title XIX Medical Assistance Program.

PROPOSED RULE

Effective January 1, 1985, the following changes will be adopted in the Medical Transportation Program.

1. Title XIX recipients may choose the Title XIX certified transportation provider in their service area to provide medical transportation services for them. If the recipient does not make a choice, then the Office of Family Security will assign the least expensive transportation suitable to meet his/her needs. If there is no difference in cost and no choice of providers, recipients will be assigned on a rotating basis to available providers.

2. The Medical Assistance Program will no longer pay for the transport of an attendant for a Title XIX recipient. Transportation providers are expected to transport an attendant at no charge to the Program.

3. Providers shall complete an annual update form by January 1 of each year. The completion of the form will be a condition of participation in the Program.

4. All providers, except those who provide services for only one recipient, are required to have minimum liability insurance coverage of \$50,000 per person and \$125,000 per accident. A Certificate of Insurance will be filed with the State Office of Family Security. The certificate must indicate that the Office of Family Security, at Box 44065, Baton Rouge, LA 70804 will be notified immediately if the insurance policy is cancelled.

5. All drivers, except those who provide services for one individual must have:

- a. Chauffeur's License
- b. completed an approved defensive driving course
- c. completed an approved basic first aid course

Each provider must provide a signed statement to the effect that all drivers meet the above requirements.

6. All vehicles except those providing services for one recipient must contain a basic first aid kit and fire extinguisher. Each provider must provide a signed statement that his vehicles are equipped with these items.

7. Vehicles designed to provide services for non ambulatory recipients must be equipped with:

- a. a Wheelchair lift, manual or
- b. a Wheelchair lift, hydraulic or
- c. a Wheelchair ramp with toe cleats which must be 28" wide
- d. appropriate wheelchair restraints such as locks or wells or tie downs.

e. Stretcher (optional) - non-ambulatory vehicles are not required to carry stretchers. However, if they carry one, the vehicle must have the appropriate locks or tie downs for the stretcher.

Each provider must provide a statement that his vehicles are equipped with these items if he intends to provide services for non-ambulatory patients.

8. Vehicles, except those that provide services for one recipient, will be inspected prior to Certification and annually to determine if they contain the required equipment.

9. Definitions

a. A *non-ambulatory recipient* is considered to be any person who requires the use of a wheelchair to be transported to the vehicle and from the vehicle to the officer of the medical provider. This also includes recipients who require the use of a stretcher while being transported in a non-ambulance vehicle.

b. An *ambulatory recipient* is any individual who does not fit the description of a non-ambulatory recipient.

10. All transportation providers shall execute a Hold Harmless Agreement in favor of the state. A copy of this document must be made available to the State Office of Family Security and is a condition for participation in the Program.

11. Complaint Procedure

a. Any person having knowledge that the quality of service provided by a transportation company is sub-standard and potentially detrimental to the welfare of the Title XIX recipient may make a complaint to the Office of Family Security orally or in writing.

b. When a complaint is received, the parish Office of Family Security will obtain as much factual information about the complaint as possible and forward the findings to State Office, Attention: SUR/S Unit, Medical Assistance Program.

c. Where grounds for investigation do exist, the complaint will be investigated within 30 days of its receipt and the parish office will receive a report of the results.

d. If the complaint is found to be valid, the State Office of Family Security will issue a plan for corrective action. If the situation presents a threat to the health and/or safety of Title XIX recipients being transported, the Office of Family Security may take immediate corrective action which may include suspension of the provider from the Program for an indefinite period of time.

e. Where violations continue to exist after corrective action has been taken, the provider may be terminated from the Program.

12. Method of Payment

a. Payment for emergency medical transportation services is in the amount of the provider's rate for the service established by the Office of Family Security, minus the amount which any third party coverage would pay for that provider. Reimbursement for mileage is made for travel outside the provider's geographical base region. The Office of Family Security may, on a selective basis, require the ambulance provider to provide evidence of the appropriateness of the hospital to which the recipient was transported.

b. Payment for providers of non-emergency medical transportation services shall be at the provider's usual rate for such services as established by the Office of Family Security, minus the amount which any third party coverage would pay. In instances in which the provider has no usual rate for services, the reimbursement shall be based upon mileage traveled. The rate shall be the same rate as is paid state employees for the use of their personal vehicle for job-oriented activities.

13. Upon notification that a provider is in violation of any

policy or standard applicable to the Medical Transportation Program, he will be given 30 days to provide proof of compliance or be terminated from the program. Providers will have the right to appeal any decision by OFS which adversely affects the provider.

As a result of a Federal Audit Target Area report that the non-emergency Medical Transportation Program received May, 1984, it was determined that the above listed changes would be in the best interest of the program. It has become apparent that there is a need for standards to be applied to the program relating to vehicles and drivers. The OFS requires more flexibility to be able to respond to the need for rate adjustments to assure that expenditures do not exceed the amount budgeted for the Medical Transportation Program. The proposed changes will also make it less difficult for the agency to suspend, terminate or sanction a provider in the program, for the violation of any policy or standard applicable to the Program.

Emergency rulemaking is being invoked to implement this policy effective October 1, 1984. The Emergency Rule is being published simultaneously with the publication of this Notice of Intent.

Implementation of this rule is dependent upon the approval of the Health Care Financing Association (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded views and arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Changes in Medical Transportation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is expected that there will be no costs or savings associated with the change. Any increase in rates for those providers who charge less than the state maximum is expected to be offset by nonpayment for the transport of an attendant.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no increase or decrease in revenues as a result of the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Transportation providers will be affected in two ways. First, they may increase their rates to be equal to the state maximum. Second, they will no longer be able to bill OFS for the transport of an attendant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no impact on competition and employment as a result of the proposed changes.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

PROPOSED RULE

Effective January 1, 1985, Attachment 4.19-D, page 29, first paragraph of the Title XIX State Plan shall be amended to read as follows:

Physician recertification is required every 30, 60 and 90 days after admission to the facility and every 60 days thereafter for recipients residing in Skilled Nursing Facilities (SNFs). Recipients residing in Intermediate Care Facilities (ICFs) shall be recertified 60 and 180 days after admission, at 12, 18, and 24 months after admission, and annually thereafter. A ten-day grace period will be allowed if it can be shown that the physician had good cause for missing the deadline.

Emergency rulemaking has been invoked to implement this policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, Louisiana Register (Volume 10, Number 9). This action was necessary to insure timely implementation as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Physician Recertification for Recipients in SNFs and ICFs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no costs involved in the rule change as physicians are not reimbursed for recertification of recipients in SNF's and ICF's. This rule mandates more frequent determinations of medical necessity for SNF services and less frequent determinations for ICF services. The potential costs or savings resulting from changes in the number of ineligible recipients being decertified cannot be estimated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections or state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt the following rule in the Title XIX Medical Assistance program:

PROPOSED RULE

The Title XIX State Plan, Attachment 4.19 B, Item 2a (Outpatient Hospital Services), and Item 3 (Other Laboratory and x-ray services in a setting other than a hospital outpatient department or clinic), shall be amended to specify that payment for clinical diagnostic laboratory tests shall be the lower of billed charges or the Medicare fee schedule amount for that service in accordance with Section 2303 of the Deficit Reduction Act of 1984 (Public Law 98-369). This limit also applies to physicians providing the specified laboratory services in their offices and to nonroutine ESRD lab services that are not included in the composite rate. For independent laboratories, physicians, and hospital laboratories acting as independent laboratories (i.e., furnishing tests to nonhospital patients), the fee schedule is set initially at 60 percent of prevailing charges; for hospital laboratories serving hospital outpatients, the initial level is 62 percent of prevailing charges.

All laboratory tests in codes 80002 through 89399 of the *Physician's Current Procedural Terminology Fourth Edition (CPT-4)*, published in 1984, except those listed below are subject to the fee schedule.

EXCLUDED CODES

85095 - 85109
85120
88000 - 88139
88141 - 88149
88151 - 88154
88156 - 88399

Additionally, Medicaid shall no longer pay coinsurance or deductible for laboratory tests subject to the fee schedule when Medicare assignment has been accepted, as Medicare reimburses these services at 100 percent of the fee schedule amount (or, if lower, the actual charge). Medicaid may pay coinsurance and deductible when Medicare assignment is not accepted, as Medicare reimburses these services at 80 percent of the fee schedule amount, subject to deductible and coinsurance.

Independent and hospital laboratories who furnish laboratory services may bill a nominal amount for the collection of a patient specimen. However, only one collection fee per patient encounter will be permitted.

Physicians may bill for laboratory services only when they personally perform or supervise the test. Hospital laboratories will no longer be reimbursed for outpatient or nonpatient laboratory services furnished under arrangements with independent laboratories or other hospitals, *except* where the hospital performed some of the tests. Where a hospital performs some of the tests and refers the specimen to another hospital or independent laboratory, either the hospital may bill for all tests or the hospital and the reference laboratory may each bill for the service they provide.

Emergency rulemaking has been invoked to implement this

policy effective October 1, 1984. The Emergency Rule was published in the September 20, 1984, *Louisiana Register* (Volume 10, Number 9).

This action was necessary in order to ensure compliance with Section 2303 of the Deficit Reduction Act of 1984 which requires that payment of these services after October 1, 1984, must be in compliance with the fee schedule. Federal matching funds will not be available to the extent that the state paid more for a laboratory test than would be paid for such a test under the Medicare fee schedule.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reimbursement Charges for Clinical Diagnostic Laboratory Service

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is anticipated that there will be little or no savings in the three programs affected by this action. Current rates of reimbursement for the Physician Program and independent laboratories have been frozen at the 1980 profile rate. In most instances these rates are lower than the reimbursement rates set by provisions of DEFRA. Concerning the Hospital Program, the Agency is unable to project how many lab services provided by outpatient hospital departments are reimbursed above or below the rate set forth by provisions of DEFRA. This is because hospitals are interimly paid for outpatient services at 100 percent of billed charges, but are actually reimbursed at cost settlement the lower of costs or charges. Thus, it is not possible to isolate the costs for individual laboratory procedures as all costs of providing the laboratory services are included in the cost settlement. Additionally, it is anticipated that the change may result in hospitals shifting costs to another area, as experience has shown that cost-shifting tends to occur whenever cost containment measures are implemented in a particular service area. Further, as a result of this action, some hospitals may find that it is no longer cost effective to provide outpatient laboratory services and will discontinue them. These services may then be performed by independent laboratories. There is no way to predict this.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections - See

I. above.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

If hospitals cease performance of clinical diagnostic laboratory services in outpatient departments because they are not cost effective, recipients may be required to seek these services at other hospitals or independent laboratories. These facilities may be less convenient to the recipients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Some hospitals may decide that, because of the reduction in payment, the performance of clinical diagnostic laboratory services in outpatient departments is not cost effective and they will cease providing these services to Title XIX recipients. These recipients may then have tests performed by independent laboratories. Therefore, competition may be reduced between these entities.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program as mandated by the Deficit Reduction Act of 1984 (Public Law 98-369).

PROPOSED RULE

Effective January 1, 1985, the maximum countable resource limit for an SSI-related Medicaid individual will be \$1,600.00. The maximum countable resource limit for an SSI-related Medicaid couple will be \$2,400.00.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this amendment remains in effect.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on November 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Dr. Sandra L. Robinson, M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: SSI Maximum Countable Resource Limit

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule will not remove anyone from the eligibility roles. Because SSI policy permits a person to spend-down his resources, it is not anticipated that anyone who was not previously eligible will now become eligible as a result of this change. Therefore, no costs are anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Preventive and Public Health Services

Effective December 20, 1984, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:601 et seq. proposes to adopt this Regulation to amend the Meat and Meat Products Regulations of the Louisiana Food, Drug and Cosmetic Regulations, dated September, 1968 (the "Red Book"). This Regulation will provide for a definition and standard of identity for fish sausage and will allow for the use of fish in the preparation thereof. §3.0403 and §3.1903 of the Louisiana Food, Drug and Cosmetic Regulations are hereby amended as follows:

3.0403 Product Definitions and Standards.

11(a) Fish sausage is the sausage product prepared from wholesome, edible fish species, comprising not more than fifty percent beef or pork suet and not more than three percent added water. Edible fish species are any species of fish that are considered to be edible and non-toxic to humans by demonstratable, scientific facts or scientific opinion. With proper labeling declaration, optional ingredients permitted are monosodium glutamate, salt, sugar, seasonings, spices, ascorbic acid, sodium ascorbate, erythorbic acid and sodium erythorbate. Fish sausage may be colored with a coloring agent approved by the Department of Health and Human Resources/OPPHS, Food and Drug Control Unit specifically for that purpose.

(b) Fresh fish received shall be inspected and adequately washed before processing. Only sound, wholesome fish, free from adulteration and organoleptically, detectable spoilage shall be processed.

(c) The name of the product described in paragraph (a) above shall be "fish sausage" and all fish sausage shall be labeled as such.

3.1903 Except as otherwise provided by this regulation, prepared sausage or sausage meat shall be made from meat by-products, or fish seasoned with condimental proportions of condimental substances. The term "sausage" shall be construed to include head cheese, liver pudding, blood pudding and fish sausage.

Interested persons may submit comments on the proposed rule to the following address: Daneta Daniel Bardsley, Ed.D., Acting Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on October 31, 1984 at 10:00 a.m. at 325 Loyola Ave., Room 511, New Orleans, to hear comments on the rule.

Sandra L. Robinson, M.D., M.P.H.
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Fish Sausage Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

None apparent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No additional revenues to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Economic benefits to be realized by Louisiana fisheries and fish processors. Increased tax revenues generated through state and local sales taxes, oil and gas taxes and increased income tax revenues due to increase in job opportunities. Impossible to place dollar value at this time, consumer acceptance is presently unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Increased employment opportunities and higher quality product may result due to competition within the industry. This is dependent on good consumer acceptance of the product.

Daneta Daniel Bardsley
Acting Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Preventive and Public Health Services

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to adopt the following rule pursuant to LSA-R.S. 40:1299.80 et seq. as recommended by the Cancer and Lung Trust Fund Board effective December 20, 1984.

LSA-R.S. 40:1299.80 et seq., provides for the establishment of "a statewide registry program for the purpose of gathering statistical data to aid in the assessment of the presence, extent, possible causes of specific cancers and other related aspects of cancer cases in Louisiana."

GENERAL RULE

I. DEFINITIONS

A. *Louisiana Tumor Registry/LTR*: The section in the Office of Preventive and Public Health Services of the Department of Health and Human Resources which administers a population-based statewide tumor registry.

B. *Regional Tumor Registry*: An organization which has contracted with LTR to provide centralized services to all hospitals in the region. Services to be provided by regional registries include but are not limited to: training of hospital personnel, coordination of data gathering, quality control and furnishing abstracts to LTR from all hospitals in a specified region.

C. *Hospital Tumor Registry*: A section in a hospital where one or more employees have been assigned by the hospital to abstract cancer data on all patients and to provide follow-up.

D. *Follow-up Information*: Information that is used to determine survival rates for various types of cancer. The information consists of the patient name, case number, vital status, and date of last contact with the patient.

II. PARTICIPATION

A. All hospitals and pathology laboratories shall participate in the tumor registry as required by R.S. 40:1299.84.

B. For the purpose of classifying data collection, the State

of Louisiana shall be divided into eight regions. A copy of a State of Louisiana map designating these regions is attached as Appendix A.

C. The LTR may make contracts with regional registries in order to assure that all newly diagnosed cases of cancer in the region are included in the data collected and that the quality of cases abstracted in the region is acceptable.

D. Using a standardized report, abstractors shall collect data from the medical chart for each patient diagnosed with cancer or receiving treatment for cancer diagnosed within the last four months. The standardized report forms shall be provided by regional registries in a manner that is compatible with the LTR data processing system. Completed forms containing the minimum data set forth in Section G shall be returned to the regional registries by the hospitals.

E. Follow-up information shall be sent to LTR by regional registries and by hospital tumor registries.

F. Medical charts to be abstracted include both "reportable diagnoses" and "reportable by agreement."

1. The "reportable diagnoses" are cases that are diagnosed and reported as malignant in the reporting facilities. Any neoplasm which warrants a morphology code ending in a number of two or greater (according to the morphology section of the International Classification of Diseases for Oncology published in 1976 by the World Health Organization) is considered a reportable diagnosis. However, the only malignant non-melanoma skin cancers which are reportable are:

- a. Mycosis Fungoides
- b. Kaposi's Sarcoma
- c. Paget's Disease of the Nipple
- d. Sezary's Disease
- e. Skin of Penis, Scrotum
- f. Skin of Vulva, Vagina
- g. Skin of Anus
- h. Skin of Vermillion Border, Lip
- i. Dermatofibrosarcoma Protuberans

2. Certain diagnostic entities are considered malignant by some pathologists, benign by others, pre-cancerous by some and doubtful by still others. To insure uniformity, this rule (which is being promulgated in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., so as to have the force and effect of law) requires the reporting of the diagnoses listed below which are identified as benign, or have undetermined malignancy or are otherwise not considered malignant by the hospital or pathology laboratory.

- a. Neoplasm benign (Brain)
- b. Tumor, NOS (Bladder)
- c. Papilloma, NOS (Bladder), Papillomatosis, NOS (Bladder), Transitional Cell Papilloma (Bladder)
- d. Carcinoid Tumor, Benign (GI Tract not including appendix), Carcinoid Tumor, NOS (GI Tract not including appendix), Carcinoid Tumor, Argentaffinoma, NOS (GI Tract not including appendix)
- e. Bronchial Adenoma, benign, NOS (Lung), Bronchial Adenoma, Carcinoid type (Lung), Bronchial Adenoma, Cylindroid type (Lung)
- f. Mucoepidermoid Tumor (Any site)
- g. Choroid Plexus Papilloma (Brain)
- h. Granulosa cell tumor (Ovary), Granulosa cell-theca tumor (Ovary)
- i. Mixed Tumor, NOS (Salivary Gland), Chondroid Syringoma (Salivary Gland)
- j. Ameloblastoma (mandible)
- k. Ependymoma, NOS (Brain), Epithelial Ependymoma (Brain), Papillary Ependymoma (Brain), Myxopapillary Ependymoma (Brain)

l. Meningioma, NOS (Cerebral and Spinal Meninges), Meningothelial Meningioma, Fibroblastic Meningioma, Psammomatous Meningioma, Angioblastic Meningioma, Hemangiopericytic Meningioma, Mixed Meningioma, Papillary Meningioma

m. Craniopharyngioma

n. Glioma, benign

o. Pinealoma (endocrine)

p. Myeloproliferative disease (Bone Marrow)

q. Polycythemia rubra vera (Bone Marrow)

r. Hydatidiform mole (Placental Membranes)

G. The standardized report of cancer shall include the following information as a minimum:

a. Report Source

b. Date of Admission

c. Hospital Chart Number

d. Patient's Name

e. Date of Birth

f. Sex

g. Race

h. Residence Status

i. Address (street, parish, state)

j. Zip Code

k. Census tract

l. Birthplace

m. Age at Diagnosis

n. Social Security Number

o. Marital Status

p. Usual Occupation

q. Ethnic Background

r. Smoking History

s. Religion

t. Class of Case: Analytic/Non-Analytic

u. Date of First Diagnosis

v. Primary Site

w. Laterality

x. Histology

y. Behavior

z. Grade

aa. Diagnosis Confirmed

bb. Diagnostic Procedures

cc. Tumor Size

dd. Nodes Examined

ee. Nodes Positive

ff. Site Metastasized

gg. Extent of Disease

hh. Date First Treatment

ii. Description of First Course of Treatment

jj. Family History

kk. Sequence Number of Primaries

ll. Vital Status

mm. Date of Death

nn. Cause of Death

H. Each hospital shall permit periodic quality control reviews of both the casefinding and abstracting processes by regional registry personnel. Regional registries shall also offer tumor registrar training for hospital personnel.

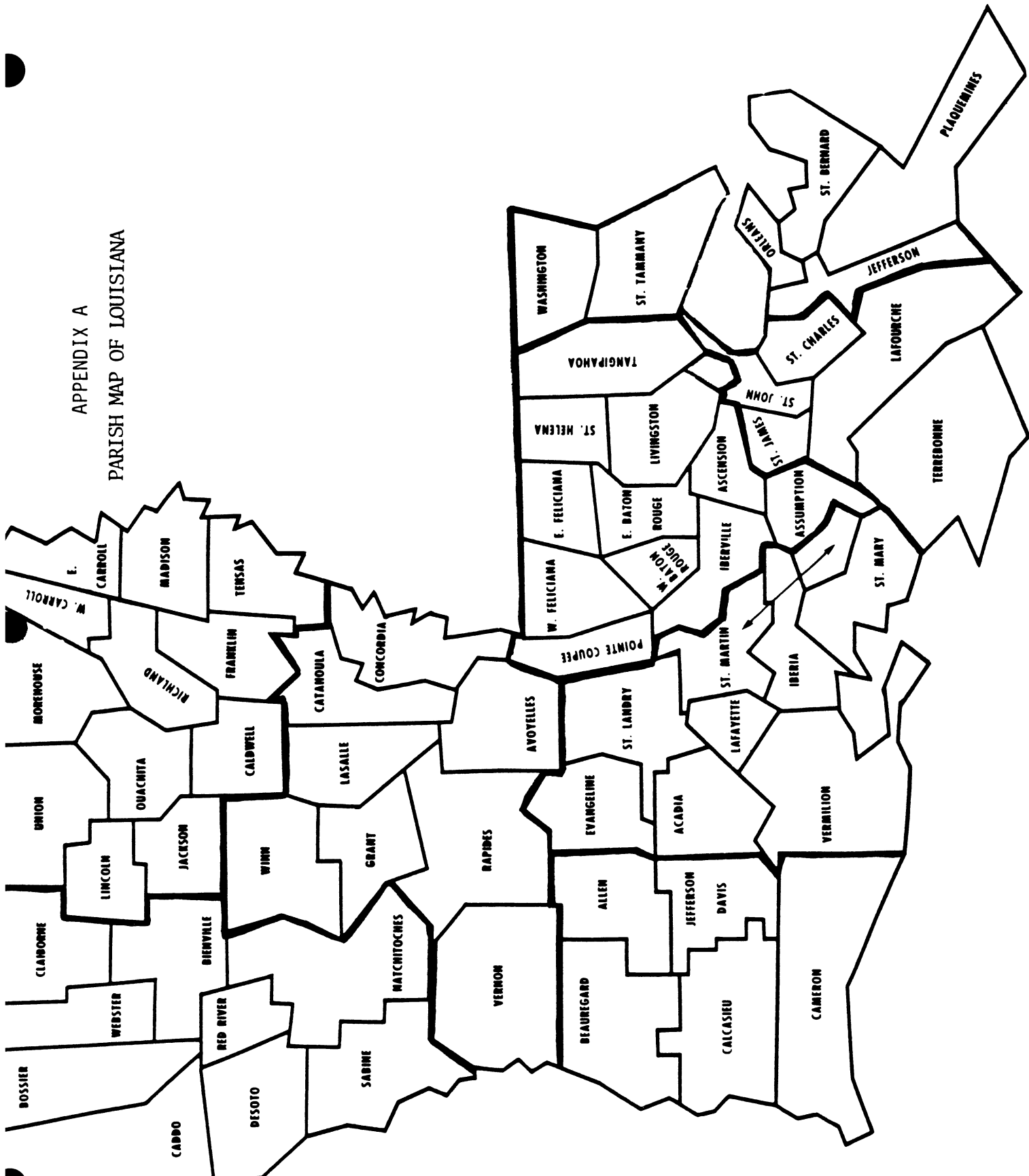
III. CONFIDENTIALITY

The following procedures shall be implemented in order to protect the confidentiality of the patient, physician, and hospital.

A. Each employee of the Louisiana Tumor Registry and the regional registries must sign an "Agreement to Maintain Confidentiality of Data". Those agreements shall be kept on file in the respective offices.

B. Reports that are published or released to any researcher shall be in the form of statistical summary reports. LTR shall not identify any individual physician or patient in its reports.

APPENDIX A
PARISH MAP OF LOUISIANA



Information identifying individual hospitals shall be furnished only to that hospital.

C. In the event that an audit of the medical records of a hospital or regional registry is required, such an audit shall be done only by medical personnel approved by the Louisiana Cancer and Lung Trust Fund Board. An "Agreement to Maintain Confidentiality of Data" shall be signed by each auditor. Such agreements shall be filed at LTR and a copy shall be presented to the Hospital or Regional Registry whose medical records are to be audited.

D. For information requests requiring identifying information, LTR shall serve primarily as an intermediary between the requestor and the original data source. LTR shall transmit to the original data source the request being considered. If the source authorizes in writing the utilization of the registry information, the records shall be made available to the requestor, provided he signs the "Agreement to Maintain Confidentiality of Data".

IV. REPORTS

A. LTR shall serve as the data base to be utilized by the State Government and the scientific community in activities directed toward the improved understanding and control of cancer in Louisiana. LTR may provide information to qualified persons working towards these aims provided that the following regulations are honored:

1. Requests of information which do not include patient, physician, or hospital identifiers may be provided by LTR when it is determined that the existing data base contains the necessary information. Such requests will be received by the LTR administrator and processed following as much as possible the chronologic order of the requests.

2. The LTR administrator is authorized to issue the reports and may consult with the registry epidemiologist when necessary.

3. The requests shall be answered in such a way as not to interfere with data collection and editing. Each request shall be evaluated on a cost benefit basis utilizing the following factors; computer time required, personnel hours required, and public health significance of the research request.

B. A detailed statistical report shall be prepared for the Office of Preventive and Public Health Services, the Louisiana Cancer and Lung Trust Fund Board, and each participating hospital and registry at the completion of each year's data collection cycle.

Comments regarding the proposed rule should be addressed: Daneta Daniel Bardsley, Ed. D., Acting Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on October 29, 1984 at 10:00 a.m. at 325 Loyola Avenue, Room 305, New Orleans, to hear comments on the rule.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Louisiana Tumor Registry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no agency implementation costs nor savings as all activities specified in the rule are currently being carried out.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no effects on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no additional costs nor benefits to affected groups as the required activities are already being carried out.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment as no new activities will be carried out.

Daneta Daniel Bardsley
Acting Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Labor Office of Labor

The Department of Labor, Office of Labor, intends to add and adopt certain rules and regulations under the Administrative Procedure Act (R.S. 49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

It will hold a public hearing thereon on November 5, 1984 at 9:30 a.m. in the Office of Labor Conference Room, Room 33, 5360 Florida Boulevard, Baton Rouge, LA 70806, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules may be obtained from Riley McDaniel, Director of Operations, Office of Labor, Room 15, 5360 Florida Boulevard, Baton Rouge, LA 70806, telephone (504) 925-4369, on or before said hearing date.

The following is a list of proposed additions to the State Job Training Partnership Act Rules and Regulations.

RULE 35

"Except as otherwise provided, training provided with funds made available under this Act shall be only for occupations for which there is a demand in the area served, or in other areas to which the participant is willing to relocate.

"All contracts that are being funded by JTPA money where the intent of the contract is placement shall have performance goals including placement goals incorporated in that contract unless otherwise specified by the Council."

RULE 36

"Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comments with respect to such proposals."

RULE 37

"Not less than 120 days before the beginning of the first of the two program years covered by the JTPA plan:

(A) The proposed plan or summary thereof shall be published; and

(B) Such plan shall be made available for review and comment to:

1. House of the Legislature;
2. Local educational and public agencies; and
3. Labor organization in the area which represents employees having the skills in which training is proposed."

Johnny L. Hodges
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Job Training Partnership Act (JTPA) Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Louisiana Department of Labor (LDOL) anti-

pates receiving approximately \$54,000,000 for implementation of the Job Training Partnership Act Program. 15 percent of those funds will be used by the state and/or local governments for administration of the program. The remainder will go to state and local governments to carry out employment and training programs.

JTPA is financed through 100 percent federal funds and no state or local match of any kind will be required other than in in-kind match in the dislocated workers program and the 8 percent set aside for education coordinators. The in-kind match has already been established as bonafide by the U.S. Department of Labor, and no state or local dollars will be required.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections as a result of additions to the JTPA State Rules and Regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The successful implementation of the JTPA program should result in job training and placement for individuals currently receiving public assistance and unemployment compensations benefits; however, it is impossible to determine the economic impact due to the unknown number of applicants, the type of training received, and the availability of jobs subsequent to the training.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and/or employment if these policies are adopted. The intent of the JTPA program is to provide job training for certain individuals. The training provided will be for future job vacancies in occupations determined by labor market survey to be in demand in local areas. Trainees will not replace those persons who are presently working.

Johnny L. Hodges
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Excise Taxes Section

Under the authority granted by LSA-R.S. 26:432A, the Secretary of the Louisiana Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the newly enacted five percent tax on the sale at retail of alcoholic beverages. (Part IV-A of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950.)

Proposed Rules

Regulations for the administration and enforcement of the five percent tax on the sale at retail of alcoholic beverages.
Article 26:431. Imposition of Tax.

R.S. 26:431 imposes a tax on the sale at retail of alcoholic beverages, and beverages containing alcohol, in the amount of five percent of the retail price. This tax shall be in addition to all other taxes applicable to the manufacture and sale of alcoholic beverages. This tax does not replace any other tax currently being levied and collected.

The following terms have the respective meanings ascribed to them, except in those instances where the context indicates a different meaning:

(1) "Alcoholic beverages" - means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent al-

cohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout fruit juices, cider, or wine.

(2) Class "A" Permit - Authorizes the retailer to sell alcoholic beverages for consumption on and/or off the licensed premises.

(3) Class "B" permit - Authorizes the retailer to sell alcoholic beverages in sealed containers prepared for transportation, for consumption off the licensed premises only.

(4) "Premises" or "premises to be licensed" - means the building, or that part of the building as defined in the application for the permit, in which alcoholic beverages and/or beverages containing alcohol are sold, except when such beverages are regularly sold or served outside the building, in which cases the terms shall also include such outside area.

(5) "RAB" - This is the abbreviation used to represent the five percent tax on the sale at retail of alcoholic beverages and/or beverages containing alcohol imposed by R. S. 26:431.

(6) "Retail dealer" - means every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages and/or beverages containing alcohol in any quantity to persons other than licensed wholesale dealers, licensed retail dealers, and persons who hold the Class "A" and/or Class "B" liquor and/or beer permits.

(7) "Retail price" - means, for computing the five percent RAB tax only, the total amount for which the alcoholic beverage and/or beverage containing alcohol is sold at retail, exclusive of the applicable sales tax. Sales tax is due in addition to the RAB tax and should be stated separately.

When a business establishment assesses a cover charge or other service charge that is a set fee charged at all times and stated separately, this charge is not subject to the RAB tax. However, if this charge is increased, with an accompanying reduction in the price of the alcoholic beverages and/or beverages containing alcohol, the net increase in the charge is considered as part of the "retail price" of the alcoholic beverage and/or beverage containing alcohol and is subject to the five percent RAB tax.

In the case where a retail dealer holding a Class "A" permit withdraws alcoholic beverages from his inventory for his personal consumption, the five percent RAB tax is due. The retail dealer shall include the cost of any alcoholic beverage withdrawn for personal consumption with the "Gross Sales of Alcoholic Beverages" as shown on Line 1 of the RAB tax return.

(8) "Secretary" - means the Secretary of the Department of Revenue and Taxation for Louisiana, or the Secretary's duly authorized agent.

(9) "Wholesale dealer" - means any person who sells alcoholic beverages to licensed wholesale dealers or licensed retail dealers exclusively, within the state or to any person for delivery beyond the borders of the state, and who conducts a bona fide wholesale business and maintains a warehouse or warehouses for the storage and warehousing of alcoholic beverages in the area where domiciled and licensed by the state, and conducts and maintains systematic and regular solicitations, distribution, deliveries, and sales of said beverages to licensed retail dealers located within the boundary of each parish and municipality in which the wholesale dealer makes any sale or delivery.

Article 26:432. Collection of tax.

A. General.

The tax levied in R.S. 26:431 shall be collected from all persons holding only a Class "A" permit pursuant to the provisions of R. S. 26:71(A)(3)(a), R. S. 26:71.1, and R. S. 26:271. In the case where a person holds both a Class "A" and a Class "B" permit as provided for in R. S. 26:80.1 and R. S. 26:272.1, only those sales made pursuant to the Class "A" permit shall be subject to this tax.

In the case where a person holds both a Class "A" permit and a Class "B" permit for the same business location, he must submit a floor plan of his business to this Department designating which area is for Class "A" sales and which area is for Class "B" sales. The retail dealer is required to maintain separate records for his purchases and sales under each class of permit. Inventories must be kept separate and merchandise shall not be transferred from one inventory to the other. If separate records are not adequately maintained and if all of the provisions of the law and regulations pertaining to the holding of both Class "A" and Class "B" permits are not followed, all sales will be considered Class "A" sales and subject to the five percent RAB tax.

All wholesale dealers are required to maintain separate records on the amount of sales made to businesses holding either Class "A" or Class "B" liquor and/or beer permits. In the case where a retail dealer has both classes of permits, sales made by the wholesaler to the retail dealer under each class of permit shall be invoiced separately. Failure of a wholesaler to comply with this provision shall subject the wholesaler to the same fines and penalties as outlined in Sub-section I of this Article.

B. Treatment of tax by retail dealer.

R. S. 26:432 places the burden for operation of the RAB tax system upon the retail dealer. If a retail dealer fails or refuses to collect the tax, he is liable for payment of the tax, and also subjects himself to a fine of \$100.

The retail dealer is required to add the tax to the selling price or charge. These regulations provide that the tax shall be a debt from the consumer to the retail dealer, recoverable at law in the same manner as any other debt. A retail dealer is specifically prohibited from advertising or representing to the public in any way, directly or indirectly, that he will absorb all or any part of the tax or that he will relieve the purchaser from the payment of all or any part of the tax. The retail dealer who violates this provision shall be fined not less than \$25 nor more than \$250. For second or subsequent offenses, the penalty is doubled. In support of this provision, the regulations require that the retail dealer must state and collect the RAB tax separately from the price paid by the purchaser for the alcoholic beverage and/or the beverage containing alcohol.

In cases where the total amount of Louisiana RAB taxes collected under this Chapter exceed that percentage applicable to the sale of alcoholic beverages and/or beverages containing alcohol, such excess must be remitted to the Secretary of the Department of Revenue and Taxation.

C. Returns and payment of tax.

All persons and retail dealers who are subject to the tax under this Chapter are required to file a tax return monthly, unless otherwise provided, and to remit the amount of tax due to the Secretary. Forms will be provided by the Secretary; and although the forms are usually mailed to each retail dealer, failure to receive same through the mail will not relieve the retail dealer of the necessity of filing and remitting the tax currently due.

After a retail dealer is properly registered for RAB tax purposes, an identifying RAB tax number is assigned to that dealer. This number should correspond with any other registration information and account number that the retail dealer currently has on file with this Department. If any of the registration information does not match, the retail dealer is required to notify the Department of Revenue and Taxation of any differences. The retail dealer must supply this Department with his correct account number(s), owner name, trade name, mailing address, and business location. Failure to supply this Department with the necessary information could subject the retail dealer to having his beer and/or liquor permit(s) revoked following a hearing by the ABC Board.

The assignment of a regular RAB tax number requires a retail dealer to file a timely return, and failure to do so will result in

the sending of a computer-estimated proposed assessment. For months where the retail dealer has no taxable sales or amounts to report, the return should be marked "no sales or taxable amounts," signed by the retailer dealer, and filed with the Secretary.

Upon registration, all retail dealers are required to file monthly returns. After a retail dealer has operated for six months, the Secretary may grant the retail dealer permission to file on other than a monthly basis.

Monthly returns should be filed with the Secretary on or before the twentieth day of the month in which the tax becomes due. Quarterly returns should be filed on or before the twentieth day of the first month of the next succeeding quarter. Irregular RAB tax returns should be filed on or before the twentieth day of the month in which the tax becomes due. The returns should be prepared in a manner that will enable the Secretary to ascertain the correctness of the tax computed to be due; accordingly, each line of the tax return must be completed and all amounts not taxable must be identified.

The retail dealer is compensated for accounting for and remitting the tax levied by this Chapter at the rate of one and one-half percent of the amount of tax accounted for, by deducting the amount from the total tax due and payable to the Secretary. Such compensation is allowable only when the return is filed correctly, and in no instance can the compensation be allowed if the return is delinquent.

The tax computed to be due by the retail dealer is payable at the time the return is filed, and failure to do so shall result in a ten-day demand assessment. Failure to file the returns on or before the due date will subject the retail dealer to delinquency charges, loss of vendor's compensation, and other charges as prescribed by law.

The Secretary, for good cause, may extend the time for making any returns required under the provisions of this Chapter, but such extension shall not exceed 30 days. Failure of the retail dealer to abide by the agreement and file returns and remittances as required will result in an immediate cancellation of the extension agreement by the Secretary.

For the purpose of collecting and remitting to the state the tax imposed by this Chapter, the dealer is hereby declared to be the agent of the state.

D. Reports from wholesalers.

Every wholesaler is required to file a report on a monthly basis with the Secretary, disclosing the total of Class "A" permit sales and Class "B" permit sales. These reports shall be filed by the fifteenth day of the month following the month in which the sales were made. Failure to file said report subjects wholesaler to a fine of \$100. For second or subsequent offenses, the penalty is doubled.

E. Secretary's authority to determine the tax in certain cases.

R.S. 47:1541 imposes a direct burden and responsibility upon the Secretary of Revenue and Taxation to determine that the tax reported by any taxpayer is correct. R.S. 47:1562 provides in part that if a taxpayer fails to make and file any return or report required, or if the return or report made and filed does not correctly compute the liability of said taxpayer, the Secretary of Revenue and Taxation shall cause an audit, investigation, or examination to be made to determine the tax, penalty, and interest due, or shall determine the tax, penalty, and interest due by estimate or otherwise. Upon having made the audit, investigation, examination, or estimate, the Secretary of Revenue and Taxation is further directed by the statute to assess all taxes, penalties, and interest. The amount assessed is considered to be prima facie correct, with the burden on the retail dealer to prove contrary.

Under the provisions of R.S. 47:1605, if any taxpayer fails to file a return, or files a grossly incorrect return, or a false or fraudulent return, and the Secretary of Revenue and Taxation, in per-

formance of this duty to ascertain the amount of tax due, makes an examination of books, records, or documents, or an audit thereof, or conducts a hearing, or subpoenas witnesses, then there may be added to the amount of tax found to be due a specific penalty, in addition any other penalty provided, in an amount to compensate for all costs incurred in making such examination or audit, or in holding hearings or subpoenaing and compensating witnesses. The costs and penalties assessed will be collected in the same manner in which the tax is collected.

F. Termination or transfer of a business.

A special rule is provided for filing of returns and payment of any taxes due in the case of any retail dealer who sells his business or his stock of goods or who closes a business. Under continuing operation conditions, a retail dealer is required to file his return and pay the amount due by the twentieth day following the close of the taxable period covered by the return; however, if a retail dealer discontinues business, he is required to file a final return and to make payment within fifteen days after the date of selling or closing the business, instead of the twenty days allowed a continuing business.

In order to ensure that all taxes are paid by a discontinuing business, the successor, successors, or assigns, if there are any, must withhold sufficient of the purchase price to cover any taxes, penalties, and interest due and unpaid at the time of the purchase. These funds must be withheld by the purchaser until the former owner can produce a receipt from the Secretary of Revenue and Taxation showing that the taxes have been paid or a certificate from the Secretary stating that there are no taxes, interest, or penalties due. If the purchaser of the business or of the stocks of goods fails to withhold sufficient funds with which to pay any taxes, penalties, or interest found to be due, he shall be held personally liable for the payment of the amount due.

G. Retail dealers and wholesalers required to keep records.

Every person required to collect or remit the tax imposed under this Chapter shall keep a permanent record of all transactions and any other information concerning the collection and enforcement of this tax in sufficient detail to be of value in determining the correct tax liability under this Chapter. The records to be kept shall include all sales invoices, purchase orders, merchandise records, inventory records, credit memoranda, debit memoranda, bills of lading, shipping records, and all other records pertaining to any and all purchases, sales, or use of alcoholic beverages and/or beverages containing alcohol, whether or not the person believes them to be taxable under this Chapter. The dealers must also keep all summaries, recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns, and other documents, listing, summarizing, or pertaining to such sales, purchases, inventories, shipments, or other transactions dealing with alcoholic beverages and/or beverages containing alcohol.

Where such records are voluminous, they must be kept in chronological order, or in some other systematized order compatible with the taxpayer's regular bookkeeping system which will enable the Secretary to verify the accuracy of information contained in the tax returns.

Records kept on punch cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible, provided the taxpayer makes available all necessary codes and equipment to enable the Secretary to audit such records, or provides the Secretary with written transcripts of those parts of the records which the Secretary wishes to examine.

The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained for a period of no less than three years from the end of the year in which the transaction took place. If a notice of assessment has been issued

by the Secretary of Revenue and Taxation, the records for the period covered by the notice must be retained until such time as the issues involved in the assessment have been completely disposed of. Records required by this Section must be available at all times during the regular business hours of the day, for inspection by the Secretary of Revenue and Taxation or his duly authorized agents.

Any person who fails to keep the records required herein, who refuses to make the records available for inspection by the Secretary of Revenue and Taxation, or who keeps records which are insufficient for use by the Secretary in determining the correct tax liability, makes himself liable for a fine of up to \$500.

H. Failure to pay tax; rule to cease business.

The failure to pay any tax when due as provided in the Alcoholic Beverage Tax Law and regulations pertaining thereto shall cause said tax, interest, penalty, and cost to become immediately delinquent. The Secretary of Revenue and Taxation has the authority to use summary process in any court of competent jurisdiction to require the dealer owing the tax to show cause why he should not be ordered to cease from further pursuit of his business. The rule to show cause shall be set for hearing at least two but not more than ten days, exclusive of holidays, after it is filed. It may be tried out of turn, in chambers, with preference and priority over all other proceedings. There is prima facie presumption that all alcoholic beverages and/or beverages containing alcohol held in this state by persons holding a Class "A" permit are subject to the RAB tax. If the rule is absolute, said retail dealer shall be prohibited from further pursuit of his business until such time as the delinquent tax, interest, penalties, and costs have been paid. Any violation shall be considered contempt of court and thereby punishable according to law.

I. General penalty.

Except where a different penalty is specifically provided herein, whoever violates any provisions of this part shall be subject to the penalty provided by R.S. 26:521. The penalty levied under R.S. 26:521 shall not be less than \$100 nor more than \$500 or imprisonment for not less than thirty days nor more than six months, or both, for the first offense. For any subsequent violation, the penalties are doubled.

Article 26:433. Exemptions; fairs and festivals.

The sale of alcoholic beverages at a fair or festival held annually for not more than four days and sponsored by a civic or religious nonprofit organization, shall be exempt from the five percent retail alcoholic beverages tax if the application for the exemption is approved by the Secretary of the Department of Revenue and Taxation. This application must be in writing and must be received and approved by the Secretary or his authorized representative prior to the holding of the fair or festival. There shall be no retroactive approvals.

A copy of the proposed rules and regulations may be obtained by writing to: L. Kent LaPlace, Excise Taxes Section, Department of Revenue and Taxation, Box 201, Baton Rouge, LA 70821. A copy may also be obtained by request, in person, at his office on the second floor of the Louisiana Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by L. Kent LaPlace through the close of business, October 31, 1984. He is the person responsible for responding to inquiries about the proposed rules and regulations.

A public hearing has been scheduled for 9 a.m., Thursday, November 1, 1984. The hearing will be held in the auditorium of the Louisiana State Police Training Academy, 7901 Independence Blvd., Baton Rouge, LA 70806.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Retail Alcohol Beverage Tax**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

These rules will not add any additional cost to the implementation and administration of the five percent retail alcoholic beverage tax enacted by the Legislature in March, 1984.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

These rules will have a slight impact on state revenues. Vendor's compensation at the rate of one and one-half percent of the tax due and payable will be allowed to retail dealers for accounting and remitting this tax. This will only be allowed when the tax return is filed correctly and is not delinquent. This allowance was in the law as enacted in March, but was inadvertently omitted from legislation when this law was amended during the Regular Session. It is estimated that this allowance will be \$400,000 annually.

The rules also establish fines and penalties for any violation of the provisions of the law and these rules. The fines and penalties vary based on which rule is violated. There is no estimate on the amount of revenue that will be generated as a result of these fines.

Furthermore, these rules provide that wholesale dealers of alcoholic beverages will be required to file a monthly report disclosing the total of their Class "A" and Class "B" sales. This information will be used to assist this Department in revenue projection and office audits of taxpayer accounts, but the revenue impact of this enforcement device cannot be quantified.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Since these rules provide that wholesale dealers are required to file an information report with the Department of Revenue and Taxation, this may increase their administrative cost, but this increase is anticipated to be a minimal.

There will be an increase in administrative cost to retailers since these rules establish the collection provisions for this tax. However, these provisions are similar to those for the sales tax, so the cost should be minimal. Retailers will be compensated for collecting and remitting this tax at the rate of one and one-half percent of the total tax due and payable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The only effect on competition and employment that these rules may have is that Sub-Section H provides that for the failure to pay this tax, the Secretary shall have the authority to use summary process in any court of competent jurisdiction to require a dealer owing this tax to cease business. This provision is exactly the same as that outlined in the administration of the state sales tax.

L. Kent LaPlace
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of State
Elections Integrity Commission**

Proposed Rules

Rule 1. Purpose—The purpose of these rules is to implement the responsibilities of the Louisiana Elections Integrity Com-

mission as set out in Part IV of Chapter 2 of Title 18 of the Louisiana Revised Statutes, as amended.

Rule 2. Powers and duties of the Commission—The powers and duties of the Commission are:

(1) To investigate any aspect of an election for governor, lieutenant governor, secretary of state, state treasurer, attorney general, commissioner of elections, commissioner of agriculture, commissioner of insurance, state superintendent of education, United States Senator, United States Congressman, public service commissioner, member of the state board of elementary and secondary education, and justice of the supreme court, other than alleged violations of the Campaign Finance Disclosure Act.

(2) To report annually, or at such other time as the Commission may deem appropriate, to the legislature any findings, observations, or recommendations concerning elections in this state which it determines, in the course of its investigations or otherwise, should be brought to the attention of the legislature.

(3) The Commission may intervene in any suit instituted by any other party to contest an election for the same cause or causes.

Rule 3. Information and Recommendations Solicited—All citizens are encouraged to submit information and recommendations to the Commission which may be of assistance to the Commission in its responsibility to maintain the integrity of the elections process and in making its reports and recommendations to the legislature. None of the formal requirements for filing a complaint, as set out in Rule 6, shall apply.

Rule 4. Domicile and Mailing Address—The Louisiana Elections Integrity Commission is domiciled at Baton Rouge, Louisiana. Its office address is 635 Main Street, Baton Rouge, LA 70801. Its mailing address is Box 44321, Baton Rouge, Louisiana 70804.

Rule 5. Filing Complaints with the Commission—Any registered voter of this state may file a complaint with the Commission. The complaint must be in writing and must be sworn to by the complainant before a notary or other person authorized to administer oaths under Louisiana Law.

The complaint must contain the following:

(1) The complainant's full name, home address and mailing address (if different), official title, office, occupation or profession and telephone number.

(2) An allegation of error, fraud, irregularity, or other unlawful activity in the conduct of an election for an office as listed in Rule 2.(1).

(3) A statement of the facts which form the basis of the complaint including the names and addresses, if known, of the persons involved, the dates of the occurrences, places where they occurred and the names and addresses, if known, of all witnesses who have information bearing on the complaint.

(4) A certificate from the registrar of voters showing that the complainant is a registered voter shall be attached to the complaint.

Rule 6. Filing through United States Mail, Return Receipt Requested—The complaint must be delivered to the Commission through the United States mail, registered or certified, return receipt requested, addressed to the Chairman of the Louisiana Elections Integrity Commission, Box 44321, Baton Rouge, LA 70804.

In order to expedite the complaint, in addition to mailing, a copy may be hand delivered to the executive director, or a member of the Commission staff, at its office in Baton Rouge. When hand delivered, the complaint shall contain a verification that the complaint has been deposited in the United States Mail as required in this rule.

Rule 7. Acknowledgement of Receipt of Complaint—The Commission, through its chairman or designated representative, shall acknowledge the receipt of the complaint as soon as possible.

The acknowledgement shall inform the complainant that the proceedings and actions of the Commission are confidential and that no information relative to the complaint can be disclosed except as provided in Rule 9 of these rules.

Rule 8. Consideration of Complaints—Upon the filing of a complaint, or if the Commission deems it appropriate, the Commission shall meet prior to or following an election for officers listed in Rule 2.(1) for the purpose of considering the complaints. Other meetings may be called by the chairman or upon the request of three or more members.

Rule 9. Confidentiality of Proceedings—All proceedings in connection with any investigation by the Commission shall be conducted in closed session, and for that purpose, such proceedings shall be exempt from the provisions of the Public Meetings Law. All records pertaining to such proceedings shall be exempt from the provisions of the Public Records Law. They shall remain confidential and not be open for public inspection unless and until they are entered into the record of any court, except as specifically provided in R.S. 18:44(C). However, the records and findings of the Commission pertaining to any such proceedings shall be made available to the attorney general, to any district attorney having jurisdiction of the matter contained in such records or findings upon formal written request, or in response to the order of any court having jurisdiction of the matter contained in such records or findings.

Rule 10. Conduct of Hearings—The hearing shall not be conducted as an adversary proceeding. To that end, the Commission shall examine into any fact, ask any question, subpoena any witness, record or other evidence which it deems necessary to determine the facts. The Commission may be assisted in such examination by its designated attorney or staff member.

The strict rules of evidence applicable to adversary proceedings shall not be mandatory in the conduct of such hearings.

Any person appearing before the Commission shall have the right of counsel to protect his legal rights. No witness or his counsel shall be permitted to remain in the hearing room except for the purpose of giving testimony. All witnesses shall testify under oath administered by the chairman or other person designated for that purpose.

Rule 11. Issuing Subpoenas—Subpoenas shall be issued by the Commission through its chairman or designated representative. They may be served by United States mail, return receipt requested, or in person by an individual or officer designated by the Commission through its chairman.

The subpoenas shall contain the following:

(1) Name of the person or persons to whom it is directed and the address of such persons, if known.

(2) When the production of records is required, the name or description of the documents or other items to be produced.

(3) The date, time and place of appearance and/or the filing of the documents or other matter subpoenaed.

(4) A declaration that the subpoena is issued in connection with a hearing or investigation being conducted by the Louisiana Elections Integrity Commission.

Rule 12. Penalties—Failure to comply with any order of the Commission, issued in accordance with or under authority hereof, refusal to testify, or any act of disrespect or of disorderly or contemptuous behavior before the Commission shall constitute contempt of the Commission, and the Commission shall have the power and authority to institute proceedings in any court of competent jurisdiction for the punishment thereof as provided by the constitution and laws. False swearing or perjury before the Commission shall in like manner be punished in accordance with the laws of this state.

Rule 13. Assistance to Commission by other State Agencies—Every officer, department, board or commission of the state

or any of its political subdivisions shall provide assistance, including the use of facilities and investigatory personnel, upon the request of the Commission.

The agency contact responsible for responding to inquiries regarding the proposed rules is Nancy Michell, Louisiana Elections Integrity Commission, Box 44321, Baton Rouge, LA 70804, or phone 504-342-5958.

Nancy Michell
Secretary to the Commission

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Policy and Procedural Guidelines

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs or savings to state and local government.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collection of state or local government.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Not applicable (Assistance from other state and local agencies is already required by R.S. 18:47B and rules make no change in this.)

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Nancy Michell
Secretary to the Commission

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of the Treasury Deferred Compensation Commission

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:1301 et seq., notice is hereby given that the Deferred Compensation Commission intends to adopt the substitute rule which is set forth in its entirety in the "Declaration of Emergency" relative to the "Louisiana Public Employees' Deferred Compensation Plan", which Declaration of Emergency is printed in this issue of the *Louisiana Register*.

Interested persons may submit data, views, or arguments in writing to the following address: Ellis C. Magee, Chairman, Deferred Compensation Commission, Box 44005, Baton Rouge, LA 70804. All such written comments will be considered by the Commission if received prior to December 1, 1984.

Ellis C. Magee
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Public Employees' Deferred Compensation Plan

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs or savings to state or local governmental units resulting from the adoption of this Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There will be no cost or economic benefits to those directly affected by adoption of this Rule except the following:

The revision of the "Louisiana Public Employees' Deferred Compensation Plan" to achieve conformity with Section 457 of the Internal Revenue Code and with the regulations issued pursuant thereto by the Internal Revenue Service will tend to assure that participants in the State's Deferred Compensation Program will achieve the objectives which caused them to decide to participate in the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Ellis C. Magee
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Urban and Community Affairs
Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the FY 1982 LCDBG Final Statement. The purpose of this Intent is to allow the Department to collect Indirect Cost for the CDBG Grant. Part II, C of the Final Statement will read as follows:

C. DISTRIBUTION OF FUNDS BETWEEN GRANTS.

Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, two percent will be used to administer the program.

Interested persons may comment on the proposed amendment in writing through December 1, 1984 at the following address: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 44455, Baton Rouge, LA 70804. Colby LaPlace is the person responsible for responding to inquiries about the proposed amendment.

Dorothy M. Taylor
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LCDBG**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The maximum cost recovery or savings to the state under the rule change would be 1 percent or \$308,370. Actual administrative reimbursement will depend on the amount of unallocated funds remaining and recoverable central service expenses.

There will be no net effect to local governmental grantees. Utilization of the cost allocation plan to recover administrative expenses will apply only to unallocated grant funds, not to funds allocated to local sub-grantees. Unallocated funds beyond those used to reimburse allowable administrative costs will be used to fund additional LCDBG grantees.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections of the state. To the extent that funds are reallocated, local governmental units may derive increased revenues through the LCDBG program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

To the extent that unallocated funds are reallocated to additional grantees, residents in those communities will benefit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Any impact on competition and employment will depend on the types of activities and location of projects resulting from reallocated grant monies.

Colby S. LaPlace
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

**House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to amend the Louisiana Air Quality Regulations to assure uniformity with federal rules and to clarify definitions to nitric acid plants (Revises Section 26.4, Adds Section 4.135).

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

**House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to amend the rules and procedures for water quality standards within the office of water resources to provide for a better defined and clarified set of standards. Quantifications of the standards have been increased with the use of current data, and new standards regarding heretofore unregulated substances are included.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to revise State-wide Order No. 29-B, Section XV, Paragraph 13 to allow for the limited resource conservation and recovery (re-use) of treated nonhazardous oilfield waste, and to more adequately monitor the movement of nonhazardous oilfield wastes to commercial facilities through use of the manifest system.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to include two additional oyster leases within the Sister Lake Oyster Seed Reservation.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to set the 1984-85 bag limits and seasons for Mourning Doves and Migratory Species other than Waterfowl.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight

met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to allow those persons that have had oyster lease applications cancelled because of failure to meet certain survey requirements to reapply subject to specific rules.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to set the 1984-85 Calcasieu Lake Oyster Season.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries for By-Laws for the Louisiana Seafood Promotion and Marketing Board.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on September 26, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the August *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to set the 1984-85 furbearers trapping season and to set a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season.

Approved by a vote of 6-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the secretary of this Department, notice is hereby given that 62 completed claims, amounting to \$72,282.01, were received during the month of September, 1984. During the same month, 21 claims, amounting to \$26,671.54 were paid. The following is a list of the paid claims:

Claim No. 83-845	Claim No. 84-1472	Claim No. 84-1559
Gerald Domangue	George France	Warren Thibodeaux
Claim No. 83-980	Claim No. 84-1503	Claim No. 84-1581
George C. Reno	Jace J. Duet	Bob Bruce
Claim No. 83-1176	Claim No. 84-1506	Claim No. 84-1588
Cliff Glockner	Ashful Authement	Stanley Weiskopf
Claim No. 83-1260	Claim No. 84-1531	Claim No. 84-1595
Donald Johnfroe	Oris Verdin	Gary Treuil
Claim No. 83-1397	Claim No. 84-1532	Claim No. 84-1610
Carl Gojohn	Harvey Cheramie, Sr.	Frederick Baas, Sr.
Claim No. 84-1457	Claim No. 84-1534	Claim No. 84-1619
Kenneth Adams, Jr.	Clifton Creppel	John Domingo, Jr.
Claim No. 84-1467	Claim No. 84-1540	Claim No. 84-1620
Craig Zimmer	Eugene DeJean	James Daspit

No hearings are scheduled for the month of November, 1984.

William C. Huls
Secretary

The following chart shows where in the *Louisiana Register* a particular page cited in the index falls:

1984		
1 — 67	.....	Jan.
69 — 188	.....	Feb.
191 — 268	.....	Mar.
273 — 387	.....	Apr.
393 — 443	.....	May
449 — 486	.....	June
493 — 577	.....	July
585 — 641	.....	August
649 — 717	.....	September
725 — 840	.....	October

**CUMULATIVE INDEX
(Volume 10, Number 10)**

Agriculture Department:

Advisory Commission on Pesticides, 193R, 387E, 397R, 576E
 Agricultural Commodities Commission, 75R
 Agricultural Finance Authority, 73ER, 104N, 274ER, 450ER, 686ER, 612 N

Commissioner of Agriculture:

EDB limits, 191ER
 Meat and poultry inspection, 199R
 Pesticide restrictions, 655ER

Horticulture Commission, 385P, 481P

Livestock Sanitary Board, 191ER, 450ER, 661N

Seed Commission, 365N, 495R, 563N, 737R

State Entomologist:

Apiary quarantine, 655ER, 729ER
 Burrowing nematodes, 46N, 277R
 Sweet potato weevil quarantine, 64P
 Texas apiary quarantine, 588ER

Aircraft, use of (see Governor's Office, Division of Administration)

Apprenticeship standards, (see Labor Department)

Block grants (see Health and Human Resources Department, Office of the Secretary)

Bond Commission (see Commerce Department)

Budget reductions (see Executive Order DCT 83-26)

Capital companies tax credit (see Commerce Department)

Capitol Area Ground Water Conservation Commission, 413N, 592R

Certified Public Accountants, Board of (see Commerce Department)

Children and Youth (see Executive Order 84-9)

Civil Service Department:

Civil Service Commission:

Advance of sick leave, 471N
 Appointments after layoff, 105N
 Conversion of provisional appointment to permanent, 395ER
 Leave, probationary period, 47N
 Long-term provisional appointments, 472N
 Performance appraisal system, 366N
 Preferred re-employed list, 395ER

Commerce Department:

Architectural Examiners, Board of, 564N, 737R
 Certified Public Accountants, Board of, 76R, 105N, 278R
 Certified Shorthand Reporters, Board of Examiners of:
 Fees, 49N, 279R

Commerce and Industry, Office of:

Local Economic Development Support Fund, 588ER, 613N

Restoration Tax Abatement, 656ER

Tax credit program, 493ER, 568N

Contractors Licensing Board:

License renewal fee, 49N, 199R

Financial Institutions, Office of:

Agreement corporations, 4R

Securities regulation Rule 1, 613N, 742R

Thrift club memberships, 50N, 200R

Minority Business Development Authority, 200R, 237N

Racing Commission:

Allowable levels of drugs, 74ER, 106N

Claiming horses, 276ER, 569N, 660R

Delete Rule LAC-6:53.5, 74ER, 107N, 495R

Glass containers, 730ER, 806N

Ineligibility of horses, 614N

Jockey agents, 192ER, 368N, 592R

License applications, 76R

Mandatory penalties, 730ER, 806N

Medical exams and analyses, 368N, 592R

Minors, 192ER, 368N, 592R

Referee sample, 276ER, 569N, 660R

Real Estate Commission, 276ER, 614N, 662N

Community Development Block Grant (see Urban and Community Affairs Department)

Conservation Service State Plan (see Natural Resources Department—Energy, Research and Planning Division)

Corrections Department: (see also, **Department of Public Safety and Corrections**)

Secretary, Office of:

Amend regulation 30-14, 4R

Amend regulation 30-19, 50N, 452R

Culture, Recreation and Tourism Department:

Tourism, Office of, 107N, 279R

Democratic State Central Committee, 180P

Education Department:

Board of Trustees for State Colleges and Universities, 618N

Educational Employees Professional Improvement Program, 242N

Elementary and Secondary Education, Board of:

Academic programs, 615N

Annual leave, 76R

Athletic contests, 663N

Athletic scholastic requirements, 807N

Authorized equipment, 7R

Budget request date, 569N, 744R

Bulletin 741, Program of Studies, 237N, 396ER, 453R, 615N, 807N

Bulletin 746, mild/moderate certification 237N, 453R, 807N

Bulletin 996, teacher education approval, 472N, 661R

Business English curriculum guides, 569N, 744R

Class size, 590ER

Co-curricula, 663N

Computer science, 3ER, 51N, 280R, 590ER

Curriculum standards, 615N

Elective course approval, 369N, 495R, 807N

Employee resignations, 7R, 200R

Foreign associate teachers, 663N

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Foreign languages, 615N
 Fourth grade skills, 108N, 192ER, 400R
 Guidance counselors, 7R
 High school credit for armed forces member, 76R
 High school credit for college, 7R
 High school credit for elementary students, 590ER
 High school graduation requirements, 396ER
 Hiring policy, interim, 472N, 494ER, 661R
 Home study guidelines, 663N
 Marine, Petroleum Institute fees, 200R
 Migrant State Plan, 237N, 453R
 Montessori certification, 108N, 400R
 National Guard Service Credit, 807N
 Personnel Evaluation Accountability Plan, 569N, 744R
 Personnel transfer, Corrections Department, 472N, 661R
 Proficiency exams, 590ER
 Reference Materials Committee terms, 269N, 495R
 RIF policy, 615N
 Sick leave, 807N
 Special education, 7R, 369N, 495R
 Speech, language, hearing specialist, 51N, 280R
 Student Activities, 807N
 Superintendent as appointing authority, 569N, 744R
 Superintendent as BESE agent, 569N, 744R
 Support Services funds, 51N, 280R, 663N
 Talented certification, 76R
 Teacher aides/paraprofessionals, 472N, 661R
 Teacher certificates, 7R, 663N
 Teacher certification, 615N
 Teacher certification, computer courses, 807N
 Temporary employment permits, 472N, 494ER, 661R
 Termination of employees, 76R, 200R
 Textbook adoption, 76R, 807N
 Vocational program plan, 472N
 Vocational student organizations, 663N
 Vo-Tech attendance policy, 200R
 Southern University Board of Supervisors, 370N, 441P, 472N, 472N

Elderly Affairs, Office of (see Governor's Office)

Environmental Quality Department:

Environmental Control Commission:

Air Quality, Office of, 281R, 370N, 371N, 453R, 453R, 475N, 574CR, 574CR, 593R, 618N, 636CR, 811N, 812N, 812N, 813N, 838CR
 Board for Solid Waste Operators, 475N, 573CR, 593R, 636CR
 Hazardous waste management regulations, 109N, 110N, 111N, 200R, 260CR, 280R, 280R, 280R, 413N, 414N, 496R, 496R, 573CR
 Solid Waste Division, 242N, 404R, 476N, 593R, 637CR, 814N

Office of the Secretary, 619N, 745R, 838CR

Office of Water Resources, 415N, 496R, 574CR

Executive Orders:

DCT 83-27—Extend report date for Task Force on Environmental Health, 1
 DCT 83-28—Amend and supplement DCT 83-26, budget reductions, 1
 DCT 83-29—Commuting fee for users of state vehicles, 1, 69
 DCT 83-30—Concerning Department of Environmental Quality and merger of Departments of Corrections and Public Safety, 2
 DCT 84-1—Amend DCT 83-28, budget reductions, 69
 DCT 84-2—Create 50 States Project advisory committee, 191
 DCT 84-3—Enterprise Zone policy, 273
 EWE 84-1—Layoff procedures, 273

EWE 84-2—Establish sections within Division of Administration, 393
 EWE 84-3—Authority over superintendent of Division of State Buildings and Grounds, 393
 EWE 84-5—Clearinghouse operation for federal review process, 393
 EWE 84-6—Establish Governor's Commission for Women, 394
 EWE 84-7—Order shell dredging study committee, 395
 EWE 84-8—Amendment to Governor's Commission on Women, 449
 EWE 84-9—Create Commission on Children and Youth, 449
 EWE 84-10—Create Economic Development Commission, 585
 EWE 84-11—Create Study Commission on Ports, 585
 EWE 84-12—Establish Community Development Advisory Committee, 586
 EWE 84-13—Health care facility moratorium, 649
 EWE 84-14—Amend Study Commission on Ports, 649
 EWE 84-15—Establish Task Force on Geological Survey, 649
 EWE 84-16—Create 50 States Project Advisory Committee, 649
 EWE 84-17—Create Task Force on Oil and Gas, 650
 EWE 84-18—Create Task Force on Venture Manufacturing, 650
 EWE 84-19—Create Prison Overcrowding Policy Task Force, 651
 EWE 84-20—Create Film and Video Commission, 652
 EWE 84-21—Create Red River Valley Area Council, 652
 EWE 84-22—Create Occupational Information Coordinating Committee, 653
 EWE 84-23—Establish Lake Pontchartrain Task Force, 653
 EWE 84-24—Small purchases, 654
 EWE 84-25—Create Learning Advisory Commission, 725
 EWE 84-26—Create Economic Development Commission, 725
 EWE 84-27—Create Water Resources Advisory Committee, 725
 EWE 84-28—Create Task Force on Louisiana Geological Survey, 726
 EWE 84-29—Establish Board of Commissioners for Promotion of Uniformity of Legislation in U.S., 726
 EWE 84-30—Leave Record Establishment and Regulations, 727

Flood Control Program (see Transportation and Development Department, Office of Public Works)

Food Stamps (see Health and Human Resources Department, Office of Family Security)

Governor's Office:

Division of Administration:

Architects Selection Board, 453R

Commissioner's Office:

Act 160 reports, 76R

Data processing procurement, 77R

PPM 63, Use of State vehicles, 88R, 120N, 281R, 372N, 385CR, 463R

PPM 64, Printing procedures, 70PPM

PPM 67, Travel in State-owned aircraft, 54N, 188E, 200R

PPM 68, Revenue and expenditure Accounting, 449PPM

Contractual Review, Office of, 112N, 455R

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Elderly Affairs, Office of, 372N, 373N 463R, 464R, 814N, 815N
Facility Planning, 666N
Real Estate Leasing Office, 122N, 290R
State Planning Office, 64P, 261P
State Register, 669N
Telecommunications Management, Office of, 80R
Women's Business Enterprise, Louisiana Office of, 53N, 790R

Executive Orders (see separate heading, Executive Orders)

Special Commission on Education Services, 373N, 464R, 477N, 598R, 671N

Veteran's Affairs Department, 111N

Group Benefits Program (see Treasury Department)

Hazardous waste (see Environmental Quality Department)

Health and Human Resources Department:

Board Certified Social Work Examiners, Board of, 203R

Chiropractic Examiners, Board of, 159N, 327R

Clinical Diagnostic Laboratory Services, 827N

Dentistry, Board of, 88R

Electrolysis Examiners, Board of, 162N, 329R

Embalmers and Funeral Directors, Board of, 180P, 711P

Examiners for Nursing Home Administrators, Board of, 815N

Examiners of Psychologists, Board of, 207R, 261P, 441P, 620N, 620N, 795R, 799R

Examiners for Speech Pathology and Audiology, Board of, 816N

Family Security, Office of:

AFDC application process, 342R

AFDC rules, 657ER, 730ER, 820N

Application processing, 169N

Assign right to support, 658ER

Civil penalties for provider fraud, 818N

Closing patient fund account, 672N

DEFRA, 819N

DESI drug lists, 672N

Earned income tax credits, 7R

Food stamps:

Standard utility allowances, 9R, 658ER, 731ER, 822N

Fraud and abuse, MAC program, 59N, 209R

GA program:

Alien sponsor's income, 59N

Inclusion of specific persons for certification, 58N, 209R

Irregular transportation elimination, 57N, 209R

Limit of checks for out-of-state recipients, 58N, 209R

Handicapped Intermediate care facilities, 824N

Homemaker services, 375N, 468R

Hospital reimbursement, 623N, 802R

Inpatient hospital reimbursement methodology, 477N, 495ER, 576E, 599R

Isosorbide Dinitrate, reinstatement of, 8R

Kangaroo pump, 523N, 802R

Less than effective drugs, 251N, 400R

LMAC list drugs, 374N, 466R

LTC services when in psychiatric hospital, 823N

Medical Assistance Program:

Assignment of medical support/third party, 825N

Definition of claim, 478N, 599R

Timely filing of claim, 397ER, 478N, 599R

Medicaid closures due to SSI, 88R

Medicaid, eligibility, 819N, 819N, 819N, 819N

Medicare, tracking reimbursement principles, 397ER

Non-emergency ambulance transportation, 89R

Nursing home beds, payment for, 8R

Nursing home reimbursement, 170N, 375N, 467R

Nurse Midwives, 173N, 342R

Payment for lab tests, 658ER

Physician recertification, 659ER, 827N

Prorated benefits for individuals, 8R

Refugee Cash Assistance, 251N, 401R

Reinstatement of one drug, 417N, 500R

Reinstatement of three drugs, 251N, 401R

"Ribicoff" children, 820N

SSI limit, (DEFRA), 819N

SSI/SSA Lump sum payment, 822N

Support enforcement, 673N

Therapeutic leave days, 659ER

Title XIX MAC, 660ER

Title XIX State Plan, 451ER

Transportation, limit reimbursement for non-emergency, 8R

Transportation, Title XIX applicants, 3ER, 60N, 209R, 731ER, 825N

Treatment for assigned support payments, 89R

Voluntary Family Responsibility Program, 192ER, 252N, 401R

Health Services and Environmental Quality, Office of:
(Office of Preventive and Public Health Services)

Access to vital records, 377N, 465R

Family Life Project fees, 417N, 500R

Fish sausage, 829N

Ophthalmia Neonatorum Prophylaxis, 570N, 661R

Sanitary Code, 210R, 624N, 802R

Staggered registration regulations, 9R

Tumor Registry, 829N

Water vending machines, 10R

WIC program, vendors in, 419N, 500R

Human Development, Office of:

Adult protective services, 89R

Reporting adoption by stepparents, 173N, 342R

Videotaping training, 673N

Management and Finance, Office of, 180P

Medical Examiners, Board of, 621N, 621N

Mental Retardation and Developmental Disabilities, Office of, 174N, 343R

Nursing, Board of, 385P, 416N, 598R, 622N

Nursing Home Administrators, Board of Examiners for, 374N, 499R

Pharmacy, Board of, 248N, 795R, 816N

Practical Nurse Examiners, Board of, 168N, 335R, 622N

Secretary, Office of:

Ancillary services in rate setting, 253N

Block grants, 379N, 468R, 599R

Clarification of regulation for rate setting, 253N

Client care provider standards, 210R

Controlled substances licensing, 176N, 343R

Dietitians, standards for registration of, 11R

Life Safety, residential care providers, 256N

Rate setting for Residential Care manual, 402R, 442P

1122 Programs policies, 177N

Veterinary Medicine, Board of, 208R, 249N, 261P, 464R

Labor Department:

Board of Barber Examiners, 625N, 625N, 625N, 803R, 803R, 803R

Office of Employment Security, 637P

Office of Labor, 479N, 546R, 575P, 600R, 640E, 674N, 832N

LP Gas Commission (see Public Safety Department)

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Natural Resources Department:

Board of Solid Waste Operator Certification and Training, 404R

Conservation, Office of:

Order 29-B, non-hazardous oilfield waste, 61N, 210R, 260CR, 386P, 386P, 626N, 675N, 675N, 839CR

Pipeline safety amendment, 421N, 480N, 503R, 574CR, 637CR

Treatment facility, Lafourche Parish, 640P

Energy, Research and Planning Division, 571N, 711CR

Environmental Affairs, Office of:

Air Quality Control Program, fee system, 63CR, 90R

Construction Grants Priority List, 1984, 63CR

Emission Standards, air pollutants, 63CR, 89R

Hazardous Waste Management Regulations, 179CR

Section 17.14, "excessive concentrations", 61N, 261CR

Fishermen's Gear Compensation Fund, 64P, 185P, 261P, 385P, 422N, 443P, 482P, 546R, 575P, 631P, 711P, 840P

Forestry, Office of:

Seedling price revision, 381N, 468R, 574CR

Timber stumpage values, 63CR, 676N

Legal Division:

Coastal Management Program, stay orders, 63CR

Mineral Board, 179CR

Secretary, Office of:

Coastal Use Permits, 216R, 382N

Fishermen's Gear fees, 422N, 546R, 574CR

Stay orders, applications for, 7R

Pipelines (see Natural Resources Department)

Policy and Procedure Memoranda (see Governor's Office)

Printing procedures, PPM No. 64 (see Governor's Office, Division of Administration)

Public Safety and Corrections Department:

Fire Marshal, Office of, 179CR

Liquefied Petroleum Gas Commission, 74ER

Office of State Police, 627N, 676N, 678N, 803R

Office of the Secretary, 627N, 803R

Racing Commission (see Commerce Department)

Real Estate Commission (see Commerce Department)

Revenue and Taxation Department:

Excise Taxes Section, 833N

Income and Corporation Franchise Taxes Section, 628N, 804R

Tax Commission:

Guidelines for value of property, 14R, 678N

Timber stumpage, 676N

Sanitary Code (see Health and Human Resources Department, Office of Health Services and Environmental Quality)

Solid Waste (see Natural Resources Department and Environmental Quality Department)

Special Commission on Education Services (see Governor's Office)

State vehicles, commuting fee for (see Executive Order DCT 83-29 and Governor's Office, PPM No. 63)

Student loans (see Special Commission on Education Services, Governor's Office)

Teachers' Retirement System (see Treasury Department)

State Department:

Elections Integrity Commission, 836N

Transportation and Development Department:

General Counsel, Office of:

Cable crossing, 90R

Materials Laboratory:

Gasahol specifications, 383N, 546R

Petroleum fuels, sale of, 46R

Professional Engineers and Land Surveyors, Board of Registration for, 90R, 343R, 480N, 804R

Public Works, Office of:

Flood Control Program, 91R

Soil and Water Conservation Committee, 469R

Systems Management, Office of, 571N

Treasury Department:

Bond Commission:

Fee Rule, 629N

Legislator notification, 710N

Non-traditional bond financing, 4ER, 62N, 409R, 590ER

Deferred Compensation Commission, 732ER, 837N

Teachers' Retirement System, 422N, 423N

State Employees Group Benefits Program, Board of Trustees:

Amendments for Retirees, 572N, 805R

Comprehensive Medical Plan, 216R, 343R

Election Regulations, 573N, 805R

Exclude temporary appointments, 46R

New premium rates, 237R

State Employees Retirement System, Board of Trustees: Monthly meeting, 67P

Urban and Community Affairs Department:

Office of Community Services, 188P

Office of Planning and Technical Assistance, 387P, 423N, 423N, 547R, 838N

Veterinary Medicine, Board of (see Health and Human Resources Department)

WIC program (see Health and Human Resources Department)

Wildlife and Fisheries Department:

Wildlife and Fisheries Commission:

Add oyster leases to reservation, 630N, 839CR

Alligator season, 590ER

Hunting seasons, 384N, 575CR, 600R

Migratory birds other than waterfowl, 631N, 839CR

Net ban, D'Arbonne Lake, 256N, 385CR, 470R

Oyster fishing regulations, 64CR, 177N, 470R, 590ER, 632N, 633N, 839CR, 839CR

Seafood Board, 634N, 839CR

Seismic exploration, 257N, 385CR, 410R

Shrimp seasons, inside waters, 260N, 385CR, 412R

South Zone trapping extension, 193ER

Trapping season, 635N, 839CR

Women, Governor's Commission for (see Governor's Office)

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Notes

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

Required by 39 U.S.C. 3685

1A. TITLE OF PUBLICATION Louisiana Register	1B. PUBLICATION NO.							2. DATE OF FILING
	0	0	0	7	5	4	5	0	9/24/84
3. FREQUENCY OF ISSUE monthly	3A. NO. OF ISSUES PUBLISHED ANNUALLY 12							3B. ANNUAL SUBSCRIPTION PRICE \$50/\$30

4. COMPLETE MAILING ADDRESS OF KNOWN OFFICE OF PUBLICATION (*Street, City, County, State and ZIP Code*) (*Not printers*)

P. O. Box 94095, Baton Rouge, East Baton Rouge Parish, Louisiana 70804-9095

5. COMPLETE MAILING ADDRESS OF THE HEADQUARTERS OF GENERAL BUSINESS OFFICES OF THE PUBLISHER (*Not printer*)

same

6. FULL NAMES AND COMPLETE MAILING ADDRESS OF PUBLISHER, EDITOR, AND MANAGING EDITOR (*This item MUST NOT be blank*)
PUBLISHER (*Name and Complete Mailing Address*)

Department of the State Register, P.O. Box 94095, Baton Rouge, Louisiana 70804-9095

EDITOR (*Name and Complete Mailing Address*)

Nancy Midkiff, P. O. Box 94095, Baton Rouge, Louisiana 70804-9095

MANAGING EDITOR (*Name and Complete Mailing Address*)

7. OWNER (*If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.*) (*Item must be completed.*)

FULL NAME	COMPLETE MAILING ADDRESS
Dept. of the State Register	P. O. Box 94095, Baton Rouge, LA 70804-9095

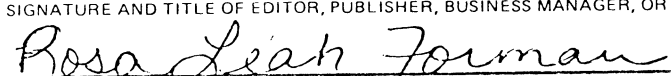
8. KNOWN BONDHOLDERS, MORTGAGEES, AND OTHER SECURITY HOLDERS OWNING OR HOLDING 1 PERCENT OR MORE OF TOTAL AMOUNT OF BONDS, MORTGAGES OR OTHER SECURITIES (*If there are none, so state*)

FULL NAME	COMPLETE MAILING ADDRESS
none	

9. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (*Section 423.12 DMM only*)
The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (*Check one*)

(1) HAS NOT CHANGED DURING PRECEDING 12 MONTHS (2) HAS CHANGED DURING PRECEDING 12 MONTHS (*If changed, publisher must submit explanation of change with this statement.*)

10. EXTENT AND NATURE OF CIRCULATION	AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS	ACTUAL NO. COPIES OF SINGLE ISSUE PUBLISHED NEAREST TO FILING DATE
A. TOTAL NO. COPIES (<i>Net Press Run</i>)	1433	1400
B. PAID CIRCULATION		
1. Sales through dealers and carriers, street vendors and counter sales	3	0
2. Mail Subscription	865	881
C. TOTAL PAID CIRCULATION (<i>Sum of 10B1 and 10B2</i>)	868	881
D. FREE DISTRIBUTION BY MAIL, CARRIER OR OTHER MEANS SAMPLES, COMPLIMENTARY, AND OTHER FREE COPIES	424	467
E. TOTAL DISTRIBUTION (<i>Sum of C and D</i>)	1292	1348
F. COPIES NOT DISTRIBUTED		
1. Office use, left over, unaccounted, spoiled after printing	141	52
2. Return from News Agents	0	0
G. TOTAL (<i>Sum of E, F1 and 2—should equal net press run shown in A</i>)	1433	1400

11. I certify that the statements made by me above are correct and complete  SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER