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# Executive Orders

## EXECUTIVE ORDER JBE 22-18

Louisiana Statewide Independent Living Council

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

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

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

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

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

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

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

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

WHEREAS, the Governor recognizes the Statewide Independent Living Council as an autonomous, independent non-profit which performs a vital service to the citizens of the State of Louisiana, to work in cooperation with the state and federal government, in keeping with the requirements of the Rehabilitation Act of 1973, Chapter I Title VII, 29 USC 796, *et seq.*

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

SECTION 1: The State of Louisiana's Statewide Independent Living Council (hereafter "Council") is reestablished and recreated, and recognized by the Governor, in accordance with 29 U.S.C.A. §796d. This Order does not remove those members who are currently serving on the Council pursuant to a valid appointment.

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

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

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

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

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

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

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

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

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

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

B. The remaining members of the Council may include:

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

ii. Parents and guardians of individuals with disabilities;

iii. Advocates of and for individuals with disabilities;

iv. Representatives from private business; and

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

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

SECTION 5: Council members shall serve a term of three (3) years, except members designated to fill a vacancy, who shall serve the remainder of the unexpired term. The Governor may allow a member currently serving on the

Council, as was created by BJ 08-73, to finish his or her term. No member shall serve more than two (2) consecutive full terms.

SECTION 6: The Council shall not be an entity within any state agency, including LRS, and is independent of LRS and all other state agencies.

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

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

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

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

- A. Department of Transportation and Development
- B. Louisiana Housing Corporation
- C. Governor's Office of Homeland Security and Emergency Preparedness
- D. Governor's Office of Elderly Affairs
- E. Office of Adult and Aging Services
- F. Office of Citizens with Developmental Disabilities
- G. Secretary of State
- H. The Louisiana Legislature

I. Louisiana Department of Health, Louisiana Medicaid

J. The Office of Behavioral Health

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

SECTION 12: This Order supersedes prior Executive Orders Number 2016-14, and Number 2020-8, and those Orders are hereby rescinded, along with any other provisions in any other prior orders which are incompatible with the provisions of this Order as set forth above.

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

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

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 21st day of September, 2022.

John Bel Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Ardoin  
Secretary of State  
2210#066

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDA

Office of the Governor  
Division of Administration  
Office of the Commissioner

PPM 49—General Travel Regulations  
(LAC 4:V.Chapter 15)

### Title 4

### ADMINISTRATION

#### Part V. Policy and Procedure Memoranda

#### Chapter 15. General Travel Regulations—PPM Number 49

##### §1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by R.S. 39:231 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968. Notice is hereby given of the revisions to Policy and Procedures Memorandum No. 49 (PPM 49), the state's general travel regulations, effective October 1, 2022. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, higher education, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, self-generated, federally funded, or funds generated from any other source.

B. R.S. 28:231(A) states: "The Commissioner of Administration, with the approval of the Governor, shall, by rule or regulation, prescribe the conditions under which each of various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses."

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 42:981 (July 2016), LR 43:1110 (June 2017), LR 45:811 (June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 48:1446 (June 2022), amended LR 48:2515 (October 2022).

##### §1502. Definitions

A. For the purpose of PPM 49, the following words have the meaning indicated.

*Agency*—any board, commission, department, division, agency, office, or other entity within the executive, judicial, and legislative branches of state government.

*Allowance*—maximum amount allowed for travel expenses while traveling on official state business.

*Authorized Persons*—

a. advisors, consultants, contractors, and other persons who are called upon to contribute time and service to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services. (Contractors are not exempted from paying state sales taxes; therefore, if a contractor is working on behalf of an agency, the agency may reimburse them for the state sales taxes.);

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation;

c. persons authorized to travel for official state business as deemed by the department head or his/her designee;

d. college/university students must be deemed authorized travelers by the higher education entity head or his/her designee to be reimbursed for state business purposes;

*Common Carrier*—a business or agency that is available to the public for transportation of persons, goods, or messages.

*Conference/Convention*—a non-routine event for a specific purpose or objective such as a seminar, conference, convention, or training.

*Controlled Billed Account (CBA)*—a credit account issued in an agency's name (no plastic card is issued). These accounts are paid by each agency and are a direct liability of the State. CBA accounts are controlled through an authorized approver to provide a means to purchase airfare, registration, lodging, rental vehicles, pre-paid shuttle service, and any other allowable charges outlined in the State of Louisiana Travel and CBA Policy. Each department head determines the extent of the account's use.

*Corporate Travel Card*—credit cards issued in a state of Louisiana employee's name used for specific, high cost travel expenses. Corporate Travel Cards are State liability cards paid by each agency.

*Extended Stays*—any assignment made for a period of 30 or more consecutive days at a place other than the traveler's official domicile.

*GSA per Diem Rates*—U.S. General Services Administration per diem rates: <https://www.gsa.gov/travel/plan-book/per-diem-rates>

*High Cost Travel*—airfare, lodging, vehicle rental, and conference registrations.

*Higher Education Entities*—entities listed under Schedule 19 Higher Education of the general appropriations bill.

*In-State Travel*—all travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when it is the most efficient route.

*International Travel*—all travel to destinations outside of the 50 United States, District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

*Lowest Logical Airfare*—the lowest logical airfare is the cheapest available flight at the time of booking without causing undue inconvenience. These types of airfare are typically non-refundable.

*Official Domicile*—

a. except where fixed by law, official domicile of a state officer or employee assigned to an office shall be the parish in which the office is located. The department head or his/her designee should determine the extent of any surrounding area to be included, such as a region. As a guideline, a radius of at least 30 miles is recommended;

b. the official domicile of a person that works in the field shall be the parish where most work is performed. The department head may designate this area or region. In all cases, the designation must be in the agency's best interest and not for the person's convenience.

*Out-of-State Travel*—travel to any other 49 states plus District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

*Passport*—an official document issued by a government, certifying the holder's identity and citizenship and entitling them to travel under its protection to and from foreign countries.

*Per Diem*—daily allowance to cover meals and incidentals while on official state business.

*Routine Travel*—travel required in the course of performing his/her regular job duties. This does not include non-routine meetings, conferences, and out-of-state travel.

*Sub Recipient*—a non-federal entity that receives a sub award from a pass-through entity to carry out part of a Federal program.

*Temporary Assignment*—any assignment made for a period of less than 30 consecutive days at a place other than the official domicile.

*Travel Period*—the period between the time of departure and the time of return.

*Visa*—an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

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## §1503. General Specifications

### A. General Travel Policies

1. Department heads may establish travel regulations within their respective agencies, but agency regulations shall not exceed the maximum limitations set by the Commissioner of Administration. A final draft and a draft highlighting any deviations from PPM 49 must be submitted via email to StateTravel@LA.Gov for prior review and approval by the Commissioner of Administration.

2. Department heads will take actions necessary to minimize all travel in order to carry on the department's mission.

3. Agencies must place all high-cost expenditures on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted by the Commissioner of Administration.

4. Department heads or their designee must submit fiscal year exemption requests annually. No exemption requests are granted on a permanent basis.

5. Grant Funds- Any agency that receives grant funds must follow PPM 49 rules and regulations and any travel regulations contained in the grant. Sub recipients that are not classified as a state agency are not subject to PPM49.

EXAMPLE: DOTD receives a federal grant and the City of New Orleans is a sub recipient of that grant, the City of New Orleans is not required to follow PPM49 but must follow their established policies and any regulations contained in the grant.

6. Travel Scholarships. If any scholarship for travel is received by a state traveler, it is the agency's and employee's responsibility to comply with all ethics laws and requirements.

7. Contracted Travel Services. The state has a mandatory travel agency contract to book airfare unless prior exemptions have been granted by the Office of State Travel before the airfare purchase. The contracted travel agency has an online booking system which should be used by all travelers to book airfare. Use of the online booking systems can drastically reduce the State's agent fee paid per transaction for airfare purchases.

8. Contracted Hotel Services. The state has a contract for hotel booking services with HotelPlanner. Travelers are encouraged to use HotelPlanner. Travelers are responsible for adhering to the hotel's cancellation policy when booking through HotelPlanner. If a traveler does not cancel a hotel stay within the cancellation period set by the hotel, the traveler will be responsible for payment or reimbursing the agency. Any exceptions for hotel rates or cancellation reimbursements must be approved by the Commissioner of Administration. Use of HotelPlanner does not exempt a traveler from adhering to U.S. General Services Administration (GSA) lodging rates, U.S. Department of State rates, or rates within PPM49 for the applicable travel location.

9. Contracted Vehicles Rentals. The state has mandatory contracts for all in-state and out-of-state business travel through Enterprise, National, and Hertz. These contracts are applicable to all authorized travelers and contractors.

10. When a state agency enters into a contract with an out-of-state government entity, the out-of-state government entity may have the authority to conduct any related travel in accordance with their published travel regulations.

## 11. Authorization to Travel

a. All non-routine travel must be authorized with prior approvals, in writing, by the department head or his/her designee, from whose funds the traveler is paid. Agencies must maintain a file on all approved travel authorizations. Electronic files and approvals are acceptable using certified electronic signatures.

b. Annual travel authorizations for routine travel are allowed if determined to be in your agency's best interest. If annual travel authorizations are used, prior approved travel authorizations are still required for non-routine meetings, conferences, and out-of-state travel. Annual travel authorizations cannot be used for non-routine meetings, conferences, and out-of-state travel.

c. The Commissioner of Administration must sign all authorizations for travel and expenses for the Governor of Louisiana.

12. A department head or his/her designee may approve a traveler's reimbursement request for a communicable disease test if the employee will be traveling on official state business. Receipts are required to be reimbursed. Hotel, meals, and internet expenses are allowed to be reimbursed per the published rates when quarantine is required for a certain period.

### B. Funds for Travel Expenses

1. State Issued Credit Cards and CBA Accounts. All high cost travel expenditures must be placed on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted from the Commissioner of Administration. The State Travel Office maintains the contract for the State's corporate card program to establish one source of payment for travel expenditures. If a supervisor recommends an employee be issued a state travel card, the employee should make the request through their agency travel program administrator.

a. The employee's corporate travel card is for official state business travel only. Personal use on the travel card shall result in disciplinary action.

b. If a vendor does not accept credit card payment for registration or lodging expenses, the department head may approve for payment(s) to be made by other means. Travelers must submit supporting documentation from the vendor stating they do not accept credit card payments. The supporting documentation must be kept with the travel expense form.

2. Persons traveling on official state business will provide themselves with sufficient funds for all travel expenses that are not covered by the Corporate Travel Card, LaCarte Purchasing Card, and/or agency's CBA account.

3. For agencies participating in the LaCarte, Travel, and/or CBA card programs, group/athletic travel must be placed on one of the card programs. This does not eliminate any approvals that must be granted from the Commissioner of Administration and/or the Office of State Travel.

4. Advance of funds for travel shall only be made in extraordinary circumstances and any excess funds should be promptly repaid upon return. Cash advances meeting the exception requirement(s) listed below must have an original and itemized receipt to support all expenditures in which a cash advance was given, including meals. At the Agency's discretion, cash advances may be allowed for:

a. state traveler whose salary is less than \$30,000/year;

b. state travelers who accompany and/or are responsible for students or athletes for group travel. For group travel advancements, a roster with signatures of each group member along with the amount of funds received by each group member may be substituted for individual receipts;

c. state travelers who accompany and/or are responsible for client travel;

d. new employee who has not had time to apply for and receive the state's corporate travel card;

e. employees traveling for extended periods, defined as a period exceeding 30 or more consecutive days;

f. employees traveling to remote destinations in foreign countries;

g. lodging costs if the hotel(s) will not allow direct bill or charges to agency's CBA and the traveler's salary is less than \$30,000/year;

h. registration for seminars, conferences, and conventions.

5. Sponsored or Scholarship Travel- Travel expenses paid by a sponsor or scholarship are considered a gift per R.S. 42:1115 and requires completion of Ethics Disclosure Form 413. It is the traveler's responsibility to properly complete and submit to the Board of Ethics in the time required. The form can be downloaded at:

<http://ethics.la.gov/pub/CampFinan/Forms/Form413f.pdf?20190402>

a. Reimbursements are not allowed when the traveler does not incur any expense. This includes, but is not limited to, reimbursements for any lodging or meals provided at a state institution or agency or provided by any other party at no cost to the traveler.

6. Travel expenses shall be limited to the necessary expenses incurred by a traveler and must be within the limitations set by PPM 49.

### C. Requests for Reimbursement

1. Official domicile/temporary assignment. Travelers are eligible to receive reimbursement for travel only when they are away from their "official domicile" or on a temporary assignment unless exemption is granted in accordance with these regulations. Temporary assignments will end after a period of thirty consecutive calendar days. After thirty days, the place of assignment shall be deemed his/her official domicile. The traveler shall not be allowed travel and subsistence reimbursement unless permission to extend the thirty-day period has been previously approved by the Commissioner of Administration.

a. Travelers cannot be reimbursed while traveling within their official domicile.

b. Travelers cannot be reimbursed when traveling to/from their residence when their residence location is different from their official domicile.

c. At the discretion of the department head or his/her designee, an exception may be allowed for mileage to/from airports as stated in §1504.E.3.

d. The department head or his/her designee may approve an authorization for routine travel for an employee who must travel to perform his/her regular job duties. This may include traveling within the employee's official

domicile if it is a regular and necessary part of the employee's duties. Attending infrequent/irregular meetings and conferences within their official domicile are not reimbursable.

2. All claims for travel reimbursement shall be submitted on the State's Travel Expense Form, BA-12, or in your agency's travel expense management system. Travel Expense Forms must include all travel details and be signed by the person claiming reimbursement and approved by his/her immediate supervisor. In all cases, the date and hour of departure and return to domicile must be shown along with each final destination throughout the trip clearly defined on the form. Agencies must get an exemption from the Commissioner of Administration to use a Travel Expense form other than the BA-12. For every travel authorization request, the purpose of the trip for travel must be stated in the space provided on the front of the form. The second page of the BA-12 must be completed with the breakdown of the travel expenses. This is required for every trip. Form BA-12 can be found at: <https://www.doa.la.gov/media/apro1q2x/travelexpense.docx>

3. Air transportation, registration, lodging, rental vehicles, shuttle service, and all other allowable charges outlined in section II(F)(4) of the State of Louisiana State Liability Travel and CBA policy should be invoiced directly to the agency, or charged to a state liability card. The traveler must provide receipts for all items charged or billed directly to the agency.

4. Cost of meals shall be paid by the traveler and claimed on the travel expense form for reimbursement.

5. Travel Expense Forms must include all expenses related to the trip, which includes expenses paid by the agency and reimbursable expenses paid by the traveler. Expenses paid by the agency must be noted on the Travel Expense Form or marked "prepaid" on the LaGov expense statement and these expenses must be excluded from the traveler's reimbursable costs.

6. Travelers should submit claims within 30 days of the travelers' return date. If a travel reimbursement is less than \$25, it is recommended that the traveler wait until a minimum of \$25 is reimbursable to submit the request unless there is no travel scheduled for the traveler in the future. Department heads may make the 30-day submittal mandatory on a department wide basis.

7. Any person who submits a claim pursuant to these regulations and who willfully makes any claim which he/she does not believe to be true and correct or who willfully aids, procures, counsels, or advises the preparation of a false or fraudulent claim, shall be guilty of official misconduct. If a traveler receives an allowance or reimbursement by means of a false or fraudulent claim, the traveler(s) involved shall be subject to disciplinary actions as well as being criminally and civilly liable within the provisions of state law.

8. Agencies shall review travel reimbursements to verify the documentation and complete processing within 30 days of receiving the final reimbursement submission.

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#### **§1504. Methods of Transportation**

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Official state travelers must use the most direct travel route. Among the factors to be considered are the length of travel time, vehicle operation cost, and cost/availability of common carrier services. Common carriers shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost efficient or practical and approved in accordance with these regulations.

##### **A. Air Travel**

1. Privately Owned or Charter Planes. Prior approval is required by the department head when traveling by privately-owned or chartered aircraft. The traveler must certify:

1. at least two hours of working time will be saved by such travel; and

2. no other form of transportation such as commercial air travel or a state plane will serve the same purpose.

a. Chartering a privately owned aircraft must be in accordance with the Procurement Code.

b. Reimbursement for using a chartered or un-chartered privately owned aircraft under the above guidelines will be made per the published GSA rate or the cost of coach economy airfare, whichever is the lesser. GSA Airplane mileage rate: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>

c. If there are extenuating circumstances requiring reimbursement not listed above, approval must be granted by the Commissioner of Administration.

d. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be requested and if a state aircraft is not available, the file shall be documented to show non-availability of a common carrier and state aircraft. The documentation shall be readily available in the department's travel reimbursement files.

##### **2. Commercial Airlines**

a. All state travelers are to purchase commercial airline tickets through the state contracted travel agency. This requirement is mandatory unless approval is granted from the Office of State Travel. In the event travelers seek approval to book without using the state's travel agency, the traveler shall submit their request through their agency's travel program administrator, who will determine if the request should be submitted to the Office of State Travel.

b. State contractors are not required to use the state's contracted travel agency when purchasing airfare, but it is the agency's responsibility to monitor costs to ensure the contractors are purchasing the lowest, most logical airfare.

c. The State supports purchasing the lowest logical ticket. Once all rates are received, the traveler must compare costs and options to determine which fare will be the best value ticket for their trip. To make this determination, the traveler must consider whether or not there is a likelihood

the itinerary will change or be cancelled. Depending on this assessment, the traveler must determine if the additional costs associated with changing a non-refundable ticket alters the determination of the lowest logical ticket.

d. Travelers should advise the agent of their flexibility with dates and/or time of travel to ensure the most cost-effective rate.

e. Travelers are to seek airfare allowing a sufficient amount of lead-time prior to departure date. The lead-time should be no less than 10 to 14 days in advance of travel dates to ensure the lowest fares are available.

f. Commercial air travel will not be reimbursed in excess of the lowest logical airfare. Receipts are required for reimbursement for commercial air travel. Upgrades above economy at the expense of the State are not permitted without prior approval from the Commissioner of Administration or in accordance with Subparagraph h of this Subsection. If an upgrade is not approved prior to the travel date and the traveler chooses to upgrade, the cost associated with the upgrade must be paid separately by the traveler. If space is not available in economy in enough time to carry out the purpose of the travel, the traveler must obtain a statement from the airline or contracted travel agency with this information. The certification is required for travel reimbursement.

g. The state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the State or there are unavoidable circumstances approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel expense form.

h. When an international flight segment is more than 10 hours in duration, the state will allow the business class rate provided it does not exceed the economy rate by more than 10 percent. The traveler's itinerary, provided by the travel agency, must document the flight segment as more than 10 hours and must be attached to the travel expense form.

i. Travelers may retain frequent flyer miles earned on official state travel unless an agency deems the points as property of the state. If a traveler makes travel arrangements that favor a preferred airline/supplier to receive these reward points and this circumvents purchasing the lowest logical airfare, they are in violation of this travel policy. Any costs in excess of the lowest logical airfare resulting from this violation are not reimbursable.

#### B. Unused Tickets

1. A lost or unused airline ticket is the responsibility of the person to whom the ticket was issued. Unused tickets should always be monitored by the traveler and the agency. Travelers should ensure that any unused ticket is considered when planning future travel arrangements. Some airlines have a policy that will allow for a name change to another traveler within the agency. A view of the latest airline policies regarding unused tickets are available at the Office of State Travel's website: <https://www.doa.la.gov/doa/ost/transportation/airfare-airport/>

2. Upon initial notification, it is the traveler's responsibility to determine if the ticket will be used in the future. Unused tickets are to be monitored every 30 days. If it is determined that the ticket will not be used prior to

expiration and there is a possibility to transfer the ticket, the traveler must immediately advise the agency's travel administrator that the ticket is available for use by another traveler, section, or agency. The travel administrator should attempt to use the ticket for another traveler within the agency.

3. Department heads must review all unused airfare and the traveler's justification to determine if reimbursement from the traveler must be made to the agency for the cost of the unused ticket. All files must be properly documented.

4. Monitoring unused tickets can be accomplished with the unused ticket report sent to the agency's program administrator each month from the contracted travel agency. This report, in conjunction with traveler notifications while booking other flights and traveler email notifications every 120, 90, 60, 30 and 14 days prior to ticket expiration should be sufficient to reduce the loss of unused airfare.

#### C. Motor Vehicle

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having a valid U.S. driver's license in his/her possession. All occupants must use safety restraints. Accidents, major or minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Division of Administration's Office of Risk Management (ORM), should be completed as soon as possible and must be returned to ORM with names, addresses, and phone numbers of principals and witnesses. Contact ORM with questions regarding this report.

2. Operating a state-owned, non-state owned, state-rented, or state leased vehicle for business while intoxicated, as set forth in R.S. 14:98 and 14:98.1, is strictly prohibited, unauthorized, and expressly violates the terms and conditions of use. In the event such operation results in the traveler being convicted of, pleading nolo contendere to, or pleading guilty to driving while intoxicated under R.S. 14:98 or 14:98.1, would constitute evidence of the traveler:

- a. violating the terms and conditions of use of the vehicle
- b. violating the direction of his/her employer, and
- c. acting beyond the course and scope of his/her employment with the State of Louisiana.

3. A person should not be authorized to operate or travel in a state-owned or state-rented vehicle unless the person is an employee of the State of Louisiana or deemed an authorized traveler. All authorized traveler approvals must be kept on file at the agency.

4. Students and non-state employees are not authorized to drive state-owned or state-rented vehicle unless deemed an "authorized traveler" on behalf of the State by the department head or his/her designee. Authorized travelers can be reimbursed for their travel expenses. Anyone who is not an employee of the State of Louisiana must sign the Acknowledgement of Non-State Employees Utilizing State Vehicles form, located on the Office of State Travel's website, <https://www.doa.la.gov/media/jcfji2il/nse-acknowledgement.pdf>, prior to riding in or driving a state-owned or state-rented vehicle. Each agency is responsible for ensuring that this form and any other necessary requirements are completed and made part of the travel file prior to travel dates.

5. Persons operating a state-owned, state-rented, or personal vehicle on official state business are responsible for all traffic, driving, and parking violations. This does not include vehicle violations for registration or inspection sticker for state-owned or state rented-vehicles, as the State and/or rental company would be liable for any cost associated with these types of violations.

6. For official in-state business, travelers must use the options below in sequential order:

a. first: a traveler should utilize a state vehicle when available;

b. second: a traveler should rent a vehicle from the State's in-state contracts with Enterprise, National, or Hertz for travel over 99 miles;

c. third: a traveler must receive prior approval from their department head to use his/her personal vehicle and be reimbursed more than 99 miles. Reimbursements must be based on the GSA rate for mileage rounded down to the penny. The current GSA mileage rate can be found here: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>

7. Motorcycles/bicycles/mopeds/motorized scooters (including e-scooters) shall not be used for official State travel. No passengers may be transported, at any time on official State Travel, on motorcycles/bicycles/mopeds/motorized scooters (including e-scooters).

#### D. State-Owned Vehicles

1. Travelers in state-owned automobiles who purchase fuel, repairs, and equipment needed while in travel status shall make use of the Statewide Fleet Fuel and Repair/Maintenance and bulk fuel contracts, when applicable. Purchases require receipts and only the lowest manufacturer recommended fuel should be reimbursed.

2. Department heads must give prior approval for State-owned vehicles to be used for out-of-state travel. If a state-owned vehicle is used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel must be kept in the department's travel reimbursement files. When the use of a state-owned vehicle has been approved by the department head for out-of-state travel for the traveler's convenience, the traveler is personally responsible for any other expense en route to and from their destination, which includes meals and lodging.

3. If a state vehicle is needed or requested to be kept at the home of a state traveler overnight, the agency and traveler should ensure it is in accordance with requirements outlined in R.S. 39:361-364.

#### E. Personally Owned Vehicles

1. Personal vehicle mileage is reimbursed at the published GSA rate for mileage rounded down to the penny. Personal vehicle mileage reimbursements should be based on actual physical addresses and require an odometer reading or website mileage calculator. The current GSA mileage rate can be found here: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>.

2. When two or more persons travel in the same personally owned vehicle, only one reimbursement is allowed for the expense of the vehicle. The person claiming

reimbursement shall report the names of the other passengers on the travel expense form.

3. At the discretion of the department head or his/her designee, mileage to and from airport(s) may be allowed while on official state business. This approval may include reimbursement for a traveler who is being dropped off and/or picked up from the airport.

4. Mileage reimbursements must not exceed the cost of the lowest logical airfare for the same trip. Travelers are personally responsible for any other expenses en route to and from the destination, which includes meals and lodging.

5. If a traveler is requested to take his/her personally owned vehicle out-of-state for a purpose that will benefit the agency, then the department head may, on a case-by-case basis, determine to pay a traveler for all or part of en route travel expenses (for example – lodging, meals, and mileage). Documentation must be kept on file to show cost savings or justification as to why personal vehicle mileage, lodging, and meals while in transit were approved for out-of-state travel exceeding 99 miles.

6. A traveler shall never receive any benefits or reimbursements because his/her residence is different from his/her official domicile. A traveler may be reimbursed mileage when starting travel from his/her residence if the mileage is less than starting travel in the traveler's official domicile. If a traveler is leaving on a non-work day or leaving before or after work hours, the department head may determine to pay the actual mileage from the traveler's residence.

7. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request prior authorization from the Commissioner of Administration for a vehicle allowance. Requests for vehicle allowances must contain a detailed account of routine travel listing exact mileage for each route and justification as to why a rental vehicle is not feasible. Justifications should include a three-month travel history with a complete mileage log for all travel incurred, showing all points traveled to/from and the exact mileage. Requests for vehicle allowances are granted for one fiscal year and must be requested again each fiscal year if there is still a need. A centralized file must be kept containing all approvals.

a. If an employee is granted a vehicle allowance then mileage, fuel, and rental vehicle reimbursements or charges are not allowed for that employee. Rental vehicles are allowed for these employees when traveling out-of-state.

8. Travelers are required to pay all operating expenses for his/her personal vehicle including fuel, repairs, and insurance.

#### F. State-Rented Vehicles

1. The state has mandatory contracts for in-state and out-of-state vehicle rentals for business travel with Enterprise, National, and Hertz. These contracts also apply to all authorized travelers and contractors. The state does not have international vehicle rental contracts.

2. Employees receiving a vehicle allowance are only allowed to rent a vehicle when traveling out-of-state.

##### 3. In-State and Out-of-State Vehicle Rentals

a. A rental vehicle should be used if a state owned vehicle is not available for all travel over 99 miles. In the

event that an agency or traveler chooses to use a personal vehicle, refer to §150.E, of this policy, Personally Owned Vehicles.

b. All state contractors who have entered into a contract with the State of Louisiana on or after March 1, 2013, and whose contracts are required to follow PPM 49 for travel reimbursements, must use the state's mandatory contracts while conducting business on behalf of the State.

c. In-state rental vehicle reservations shall not be made at an airport location for daily routine travel unless prior approval is granted by the department head. Airport rental locations charge extra fees that will add unnecessary costs to your rental charges.

d. Charges added to the vehicle rental price must be in accordance with the mandatory rental vehicle contracts.

4. Payments. Rentals through the vehicle rental contracts shall be made using the "LaCarte" purchasing card, an agency's CBA account, an employee's state corporate travel card, or through direct bill to the agency. Agencies may decide which of these forms of payment to be used.

5. Approvals. Travel authorization forms must be approved by the department head or his/her designee prior to renting a vehicle. Agencies are allowed to approve rental vehicles on an annual basis if the travel is routine and a regular part of an employee's job duties.

#### 6. Vehicle Rental Size

a. Only the cost of an economy, compact, intermediate, or standard vehicle is reimbursable, unless:

- i. non-availability is documented; or
- ii. the vehicle will be used to transport more than two persons.

iii. if a larger vehicle is necessary to carry equipment or multiple passengers, the vehicle shall be upgraded only to the next smallest size and lowest price necessary to accommodate the need. The file must include a justification approved by the department head or his/her designee.

b. A department head or his/her designee may authorize a larger vehicle on a case-by-case basis and provide detailed justification in the file. Justification could include, but is not limited to, specific medical requirements when supported by a doctor's recommendation or traveling with equipment.

7. Personal use of a State-rented vehicle is not allowed.

#### 8. Fuel

a. Fuel should be placed on an agency's fuel card for rental vehicles. If your agency does not have a fuel card, reimbursements require an original receipt. If you are not able to obtain a receipt from the pump or cashier, a time stamped photo of the pump showing the number of gallons purchased and total price will suffice.

b. A traveler must purchase fuel with the State's Fuel Card, other approved credit card, or with personal funds at reasonable cost from a fuel station prior to returning the rental. Pre-paid fuel options or replacement of gasoline from the rental company is not allowed. If a traveler purchases any fuel options or programs allowing the rental vehicle company to replace gasoline without justification and prior approval from the department head, the traveler must reimburse the agency. Each agency shall familiarize itself with the Statewide Fleet Fuel and Repair/Maintenance and

bulk fuel contracts. Agencies and travelers should review the terms, conditions, and locations of vendors for each contract.

9. Insurance for Vehicle Rentals within the United States

a. State rental contracts include Collision and Damage Waiver (CDW) insurance and \$1,000,000 Liability Protection Coverage. Additional insurance billed by car rental companies is not reimbursable and must not be billed to an agency.

b. Should a collision occur while on official state business, the accident should immediately be reported to the Office of Risk Management and the rental company. Any damage involving a third party must be reported to the appropriate law enforcement agency to obtain a police report.

c. Lost keys and unlocking services for rental vehicles are not covered under the damage waiver policy and can be costly. Agencies should establish an internal procedure regarding the liability of these costs.

10. Insurance for Vehicle Rentals Outside of the United States

a. The Office of Risk Management (ORM) recommends the appropriate insurance (liability and physical damage) provided through the car rental companies be purchased when the traveler is renting a vehicle outside of the United States. With the approval of the department head or his/her designee, required insurance costs must have receipts and may be reimbursed for travel outside of the United States only.

b. The following insurance packages are available by rental vehicle companies which are reimbursable:

i. collision damage waiver (CDW), should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and submit a reimbursement claim on a travel expense form. The accident must also be reported to the Office of Risk Management;

ii. loss damage waiver (LDW);

iii. auto tow protection (ATP);

iv. supplementary liability insurance (SLI);

v. theft and/or super theft protection (coverage of contents lost during a theft or fire);

vi. vehicle coverage for attempted theft or partial damage due to fire by the car rental company.

c. The following are examples of insurance packages available by rental vehicle companies that are not reimbursable:

i. personal accident coverage insurance (PAC);

ii. emergency sickness protection (ESP).

d. Insurance is only allowed to be charged or reimbursed when renting outside of the United States.

11. Navigation Equipment (GPS System). Must be rented, not purchased, from a rental car company and may only be reimbursed if the traveler justifies the need for such equipment. Prior approval from the department head or his/her designee must be obtained and included with the travel file.

#### G. Ground Transportation

1. The cost of public ground transportation such as buses, subways, airport shuttles/limousines, ferries, tolls, and taxis are reimbursable when the expenses are incurred as part of approved State travel. Credit card fees charged by these services are reimbursable.

2. Public transportation to and from the airport may be reimbursed with a receipt while on official state business.

3. If utilizing Uber or Lyft type services, only a standard size vehicle is reimbursable with an itemized receipt. Premium or larger vehicles are not reimbursable. Agencies may reimburse tolls, surcharges, and fees (excluding wait time fees) when it is determined that these services are the most cost effective option. Wait time fees are not a reimbursable expense. Travelers should try to utilize the most economic ground transportation without incurring additional fees or surge pricing.

4. When travelers utilize a free shuttle service, a \$5 tip may be allowed (no receipt is required).

5. Airport shuttles, taxis, and all other public transportation require a receipt for reimbursement. A driver's tip may be given and the tip must not exceed 20 percent of the total charge. The tip amount must be included on the receipt received from the driver/company.

6. All other forms of public ground transportation other than those listed above are limited to \$10 per day when a receipt is not possible. Claims in excess of \$10 per day require a receipt. At an agency's discretion, the department head may implement an agency policy requiring receipts for all public transportation requests less than \$10 per day.

7. To assist agencies with verification of taxi fares, you may contact the taxi company for an estimate or visit an online taxi fare estimator. A traveler should obtain prior approval if multiple taxis will be used during a trip (not just to and from an airport). It may be in the agency's best interest to rent a vehicle rather than reimbursing multiple taxi expenses.

#### H. Parking and Related Parking Expenses

1. Baton Rouge Airport. The State has contracted rates for parking in the indoor parking garage and the outside fenced parking lot at the Baton Rouge Airport. The airport parking certificate and State Employee ID must be presented to receive the contract price. If the agency does not issue a State ID, the traveler will need a business card and a driver's license along with the certificate to be eligible for the state contracted rate. Receipts are required for reimbursement of the contracted rates listed in the resource section. The airport certificate may be found on the State Travel Office's website at: <https://www.doa.la.gov/doa/ost/parking/>

2. New Orleans Airport Parking. Travelers have the option to park at New Orleans Airport in the Surface Lot or the Airline Economy Garage. Receipts are required for reimbursement for the allowable rates listed in the resource section.

3. Travelers using motor vehicles on official state business may be reimbursed for all other parking, including airport parking except as listed in A and B above, ferry fares, and road/bridge tolls. For each transaction over \$5, a receipt is required.

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### §1505. Lodging

#### (Formerly §1506)

##### A. General Lodging Information

1. Lodging rates for the 48 contiguous states are based on the GSA lodging rates for the applicable location. The GSA lodging rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

2. ALASKA, Hawaii, and U.S. Territories shall follow the rate below:

a. Lodging Rate- \$175 per night

3. The State has contracted with HotelPlanner for hotel booking (use is not mandatory). Lodging rate, plus tax (other than Louisiana Sales Tax) and any mandatory surcharges are allowed.

4. When traveling in-state on official state business and expenses are being charged to an employee's State Corporate Travel Card, State's LaCarte Card, or the agency's CBA account, it is the employee's responsibility to ensure state sales taxes are not charged.

5. When two or more employees, on official state business, share a lodging room, the State will allow the actual cost of the room; subject to a maximum amount allowed for an individual traveler multiplied by the number of employees per room.

##### B. Conference Lodging Allowance

1. Travelers may be allowed the conference lodging rates, plus tax (other than Louisiana Sales Tax) and any mandatory surcharge. Receipts are required along with documentation showing the actual conference rate. Department heads or his/her designee have the authority to approve the actual cost of conference lodging for a single occupancy or standard room when the traveler is staying at the designated conference hotel and nearby hotels are not logical. If there are multiple designated conference hotels, the lower cost conference hotel should be booked, if available. In the event the designated conference hotel(s) have no room availability, a department head or his/her designee may approve to pay the actual hotel cost not to exceed the conference lodging rates for other hotels in the immediate vicinity of the conference hotel. This allowance does not include Agency Hosted Conference Lodging Allowances. Documentation required is a formal agenda, program, letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging, it requires that the hotel is hosting or is in conjunction with hosting the meeting.

2. Training courses held over several consecutive days and have a designated hotel and rate, could be considered a "conference hotel."

3. If staying at a designated conference hotel or an overflow hotel(s), you may not rent a vehicle unless prior approval is granted from the department head. Rental vehicles must be for official state business needs and supporting documentation must be maintained in the file.

4. No reimbursements are allowed for functions not related to a conference. Examples include tours, dances, and golf tournaments.

#### C. Extended Stays

1. For travel assignments approved by the Commissioner of Administration involving duty for extended periods (30 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reimbursed on a per diem basis supported by a lodging receipt.

2. The only exemptions which do not require the Commissioner of Administration's approval when traveling 30 days or more are students, professors, or other state travelers which are traveling on a grant, scholarship, studying aboard or any other occasion where funds utilized are not state funds. Department head approval is required for these travelers.

#### D. Lodging Fees

1. Non-Conference Related Fees. Many hotels charge mandatory fees variously termed *resort fees*, *amenity fees*, *urban destination fees*, *facilities fees* and *daily destination fees*, among others. Agencies should review these fees and see what they include before authorizing reimbursement, as they can vary from simply covering internet access to including items that may be considered gifts, like tours or tickets. If the fees do not include an item that can be considered a gift, these fees are reimbursable but should not exceed the applicable lodging rate when combined with the daily room rate. These fees require department head approval if the additional cost is less than a 50 percent increase of the daily lodging rate. Increases above 50 percent require prior approval from the Commissioner of Administration.

2. Added value charges which include, but are not limited to, early check-in fees, additional person fees, mini-bar/snack fees, gym fees, and spa fees are not reimbursable.

3. Tax recovery charges are not allowed when booking through companies other than the State of Louisiana's travel agency or its affiliated company.

#### E. Louisiana Sales Tax

1. Travelers are responsible for reimbursing the agency for any Louisiana sales taxes when the agency's tax exemption form is not presented at time of check-in at hotel. Contractors are subject to Louisiana sales tax and can be reimbursed for this expense.

2. Travelers should use the tax-exempt form located on the State Travel Office website for all in-state lodging: <https://www.doa.la.gov/media/er0b2lwj/travelexemption-travelexpense.pdf>

#### F. Lodging with Relative or Friends

1. May not be reimbursed unless the host can substantiate costs for accommodating the traveler. The reimbursement will be at the actual cost of lodging but must not exceed the lodging rate for the applicable area. The host must show proof of the added costs for water, electricity, and other expenses.

#### G. Hotel Reward Points

1. Travelers may retain hotel reward points earned on official state travel unless an agency deems the points as property of the state.

#### H. Lodging Exceptions

1. Non-Conference Lodging Overage Allowances. Department head or his/her designee has the authority to approve actual costs for routine lodging on a case by case basis, but shall not exceed 50 percent over the lodging rate for the applicable travel location. (This authority is for routine lodging only and not for conference lodging or any other area of PPM 49). Receipts, justification, and approval must be maintained in the file to show that attempts were made with hotels in the area to receive the best rate.

a. Travelers are responsible for reimbursing the agency for lodging rates that exceed the published lodging rates for the travel location unless prior approval is granted by the Commissioner of Administration.

2. In areas where the Governor has declared an emergency, a department head or his/her designee has the authority to approve actual routine lodging provisions on a case-by-case basis, but shall not exceed 75 percent over the lodging rate for the applicable travel location. Each case must be documented to justify necessity (e.g. proximity to meeting place) and cost effectiveness. Documentation, including receipts, must be readily available in the agency's travel reimbursement files and kept in accordance with record retention policies.

3. Lodging overages in excess of 1 and 2 of this Section require approval from the Commissioner of Administration prior to being paid or reimbursed by the agency. Requests for approval must contain justification and estimated costs. If prior approval is not obtained, overages must be repaid to the agency by the traveler.

4. Actual expenses for Elected Officials, Board Members (if allowed by the Board), State Officers, persons authorized by statute, or any individual with a preapproved exception will be reimbursed on an actual expense basis, for meals and lodging only, while in travel status, except in cases where other provisions for reimbursement have been made by statute. Itemized receipts are required for reimbursement. Requests must be reasonable in relation to the purpose of travel. Travelers entitled to actual expense reimbursement are only exempt from meals and lodging rates; they are subject to all other requirements as listed in these travel regulations.

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#### **§1506. Meals and Incidentals (M&IE)**

##### A. Meals and Incidentals While In Travel Status

1. Meal and incidental rates based on the GSA meal rates for the 48 contiguous states. The GSA meal and

incidental rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>

2. Alaska, Hawaii, and U.S. Territories shall follow the rates below.

a. Meals—Breakfast \$17, Lunch \$18, Dinner \$34.

b. Incidentals—\$5 per day.

c. First and Last day meal and incidental reimbursements shall not exceed \$55.50.

3. Meal rates include taxes and tips, travelers cannot be reimbursed separately for those items. Receipts are not required for meals within these rates unless a cash advance was received.

4. Meal and Incidental Reimbursement for Single Day Travel. Meals are not eligible for reimbursement on single day travel. When an authorized traveler of the State is in travel status where no overnight stay is required, meals are not eligible for reimbursement. However, the department head is allowed to authorize single day meal reimbursements on a case-by-case basis or by types(s) of single day travel when it is determined to be in the best interest of the agency. In those cases, the agency must keep the approvals in the travel file and agencies are responsible for reporting the reimbursement as taxable wages to the traveler. Each department head or his/her designee is to determine whether the travel is best suited for single day or overnight.

a. If a department head or his/her designee determines that single day meals will be reimbursed, they must adhere to the following allowances: To receive meal reimbursements on single day travel, a traveler must be in travel status for more than 12 but less than 24 hours. Reimbursements for single day travel must not exceed 75 percent of the total M&IE rate for the applicable travel location meal rates. This rate is listed as the first and last day of travel on the M&IE rates page of the applicable location.

5. Meal and Incidental Reimbursement for Travel with Over Night Stay

a. On the first and last travel day, employees are only eligible for 75 percent of the total M&IE rate for the applicable travel location. The Meals & Incidental Expense breakdown page has a table showing the calculated amount for the "First and Last Day of Travel."

b. Student group trips (including athletic travel) are eligible for the full M&IE rate on the first and last day of travel for the applicable travel location when travel begins prior to 8 am and ends beyond 8 pm.

c. Incidental expenses are limited to \$5 per day for domestic travel. Domestic incidental expenses include tips for valet, porters, baggage carriers, and hotel staff.

6. Reimbursement for alcohol is prohibited

7. If meals are included in a conference schedule and are part of the registration fee, the traveler cannot request/receive additional reimbursement for that meal. If a traveler has dietary restrictions, agencies may allow the traveler to claim reimbursements for any meals provided at a conference, meeting, or other work function that may pose a health risk to the traveler if consumed.

8. Meals provided by relatives and/or friends may not be reimbursed unless the host can substantiate costs for providing meals to the traveler. The reimbursement amount for the traveler's portion of the meal must be reimbursed at

the actual cost but shall not exceed the published meal rate for the applicable travel location. The traveler must provide documentation and obtain approval from the department head.

#### B. Special Meals

1. Special meal needs are infrequent, extraordinary, and/or emergency situations when state employees are required by their supervisor to work more than a twelve-hour weekday or six-hours on a weekend. Special meals also includes meals provided during working meetings of department staff. Special meals do not include normal visits, meetings, or reviews.

2. Special meals must have prior approval from the Commissioner of Administration for all state agencies other than higher education. The entity head of higher education institutions or his/her designee may approve special meals prior to the meal date. Special meals should be placed on a state issued credit card.

3. All special meals must have a sign-in sheet.

4. Requests for one-time special meals must be signed by the department head and require prior approval by the Commissioner of Administration. These requests must include:

- a. date of event;
- b. name of each recipient;
- c. total number of attendees;
- d. estimated cost of meal;
- e. estimated cost per person;
- f. justification for special meal.

5. The Commissioner of Administration may delegate approval to a department head on a fiscal year basis. Requests must be submitted every fiscal year the delegation is needed. Once approval is received, the department head may authorize a special meal within the published meal rate of the meeting location. A reasonable delivery fee and tip may be allowed if ordered from an outside vendor. Tips should never exceed 20 percent of the meal cost.

a. Requests to the Commissioner of Administration for special meal delegations must:

i. Be submitted on agency letterhead and signed by the department head

ii. Include clear justification of the necessity and appropriateness of the request

iii. Include a statement that rates for meal reimbursements will be in accordance with PPM49 unless specific approval is received from the Commissioner of Administration to exceed meal rates.

6. Agencies with a special meals delegation must report all special meals on a quarterly basis to StateTravel@LA.Gov. Higher education institutions must send the special meals report to the entity's management board. The Special Meals Report template can be found here: <https://www.doa.la.gov/media/s43etwyx/special-meals-report-template.xlsx> The special meals report must include:

- a. year and quarter being reported;
- b. agency name;
- c. name of report preparer;
- d. phone number and email address of report preparer;
- e. date of event;

- f. event title;
- g. name and title of person(s) receiving reimbursement, if applicable;
- h. if a state credit card was used, the name and title of the cardholder must be reported;
- i. name and title of each recipient;
- j. total number of attendees;
- k. total cost of meal;
- l. cost per person;
- m. justification for special meal.

7. In order for an agency's special meals delegation renewal to be considered for approval, the special meals quarterly reports must be submitted.

8. Special meals also apply to visiting dignitaries or executive-level persons from other governmental units.

9. Special meal documentation must be kept on file and must include:

- a. a detailed breakdown of all expenses incurred, with appropriate receipts(s);
- b. subtraction of any alcoholic beverage costs.
- c. copy of prior written approval from the Commissioner of Administration or for higher education, the entity head or his/her designee.

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**§1507. Reimbursement for Other Expenses while in Travel Status (Formerly §1508)**

**A. Communication and Internet Expenses**

1. Travelers with a state issued phone or receiving a monthly stipend are not allowed communication reimbursements.

2. State business communication costs may be reimbursed with receipts.

3. For international travel: up to \$10 for personal calls upon arrival at each destination and up to \$10 for personal calls every second night after the first night, if the travel extends several days.

4. Internet access charges for official state business from hotels or other travel locations are reimbursable with receipts.

**B. Storage and Handling Charges**

1. Storage and handling charges for state equipment/materials are allowed to be placed on the agency's CBA account. Receipts are required for these transactions.

**C. Luggage Allowances**

1. Department head or his/her designee may approve reimbursement to a traveler for airline charges for one checked bag for a business trip of five days or less and for two checked bags for business trips exceeding five days. Additional luggage or equipment required for the business travel may be reimbursed with justification and receipts.

2. Travelers will be reimbursed for excess baggage charges (overweight baggage) only in the following circumstances:

- a. when traveling with heavy or bulky materials or equipment necessary for business.

- b. the excess baggage contains agency records or property.

3. The traveler should always consider shipping material to the final destination or splitting material into additional pieces of luggage to determine the most cost-effective method for the State.

4. Laundry Services (Domestic Travel Only). If traveling for more than seven days, laundry services may be reimbursed with the department head or his/her designee's prior approval. Receipts are required and may be reimbursed up to the actual cost.

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**§1508. Agency-Hosted Conferences (Formerly §1510)**

A. Applies to both in-state and out-of-state. State Sponsored Conferences: agencies must solicit three bona fide competitive quotes in accordance with the current Governor's Small Purchase Executive Order.

1. Attendee Verification. All state sponsored conferences must have a sign-in sheet or some type of attendee acknowledgment to justify the number of meals charged.

2. Conference Lunch Allowance. Lunch directly billed to an agency in conjunction with a state sponsored conference shall not exceed the combined breakfast and lunch rates of the conference location. Any gratuity not required by the caterer must not exceed 20 percent of the total meal cost.

Example: If the GSA meal rates for New Orleans are \$17 for breakfast and \$18 for lunch, the conference lunch allowance will be \$35.

3. Breakfast and dinner require approval from the Commissioner of Administration. Approvals for higher

education entities can be made by the entity head or his/her designee.

4. Conference Refreshment Allowance. Cost for break allowances for meetings, conferences, or conventions are not to exceed \$5.50 per person. Refreshments are allowed twice per day, morning and afternoon. Gratuity may be added if refreshments are being catered.

5. Conference Lodging Allowances. Conference lodging rates should be within the published PPM 49 lodging rates for the conference location but cannot exceed 50 percent over the published rate without prior approval from the Commissioner of Administration.

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#### **§1509. International Travel (Formerly §1511)**

A. International travel must be approved by the Commissioner of Administration for all state agencies other than higher education.

B. The entity head of higher education institutions or his/her designee may approve international travel prior to the departure date.

C. All requests for approval must be accompanied by a detailed account of expected expenditures including airfare, room rates, dates, meals, local transportation, and any other known travel costs.

D. International travelers will be reimbursed based on the U.S. Department of State per diem rates for meals and lodging.

1. U.S. Department of State Per Diem Rates: [https://aoprals.state.gov/web920/per\\_diem.asp](https://aoprals.state.gov/web920/per_diem.asp)

2. U.S. Department of State Meal Per Diem Breakdown: [https://aoprals.state.gov/content.asp?content\\_id=114&menu\\_id=75](https://aoprals.state.gov/content.asp?content_id=114&menu_id=75)

E. Agencies may decide to allow state travelers to be reimbursed for a Visa and/or immunizations when the traveler is traveling on behalf of the agency/university on official state business and must keep justification with the travel file. Passport reimbursements must be submitted to the department head for approval along with detailed justification as to why this reimbursement is being requested/approved.

F. Incidentals for international travel cannot exceed the listed allowance issued by the U.S. Department of State.

1. Incidentals for international travel are reimbursable at \$5 per day without receipts.

2. Incidentals exceeding \$5 require receipts and/or supporting documentation. (Not to exceed U.S. Department of State Allowance)

3. Incidental expenses for international travel are fees for laundry services and tips given to valets, porters, baggage carriers, and hotel staff.

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#### **§1510. Waivers (Formerly §1512)**

A. The Commissioner of Administration may waive, in writing, any provision in these regulations when the State's best interest will be served. All waivers of PPM 49 must receive prior approval from the Commissioner of Administration, except in declared emergencies.

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#### **§1511. PPM 49 Tier per Diem Rates (Formerly §1506)**

Repealed.

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2210#031

# POLICY AND PROCEDURE MEMORANDA

**Office of the Governor  
Division of Administration  
Office of the Commissioner**

PPM 64—Printing Procedures

## **Title 4**

### **ADMINISTRATION**

#### **Part V. Policy and Procedure Memoranda**

#### **Chapter 27. Printing and Mailing Procedures—PPM Number 64**

##### **Subchapter A. Introduction**

##### **§2701. General Applicability; Effective Date**

A. This Policy and Procedure Memorandum rescinds, supersedes, and cancels revised Policy and Procedure Memorandum Number 64 dated July 1988. This memorandum also cancels all previous delegation of authority, delegated under R.S. 43:1(B)(2), and special exemption previously granted prior to January 2022, for any printing under R.S. 43:31(A) and R.S. 39:245(A).

B. The provisions of this Policy and Procedure Memorandum Number 64 shall take effect with the approval of the Commissioner of Administration, on November 1, 2022.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:1, R.S. 43:31(A), and R.S. 39:245(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:429 (July 1988), amended LR 48:2527 (October 2022).

##### **Subchapter B. Purchase of Printing and Engraving; Central Purchasing; Louisiana Procurement Code; Power and Authority of State Chief Information Officer (R.S. 43:1)**

##### **§2703. Provisions**

A. Procurement of Printing, Engraving, and Mailing

1. All administrative boards, commissions, departments, agencies, institutions, and offices within the executive branch of the state government shall purchase all printing, mailing, and printing and mailing services through the Division of Administration, Office of Technology Services (OTS), Production Support Services (PSS) section. This provision, however, shall not apply to postsecondary institutions of education and their management boards, including the Board of Regents; to secondary institutions of education, special schools, and other institutions under the supervision of the State Board of Elementary and Secondary Education; to the port authorities of the state; to the legislature, the legislative fiscal officer, and other instrumentalities of the legislature; to the office of the State Bond Commission in the Department of the Treasury; or to the judiciary. All procurement of such printing, mailing, and printing and mailing services for the executive departments of state government shall be done under, and in accordance with, the provisions of the Louisiana Procurement Code.

2. The provisions of this Section shall be construed to apply to the Board of Elementary and Secondary Education, excepting institutions under supervision of the same; to the Department of Education, and to the state superintendent; and to the Department of Treasury, except as otherwise exempted.

B. Power and Duties of the State Chief Information Officer. In order to carry out the duties and functions imposed by this Chapter, in conjunction with the Louisiana Procurement Code, the state chief information officer shall have the power and authority:

1. to consult, review, and make recommendations with regard to all printing requirements in order that the best and most economical methods may be employed, and to delegate authority for the same to competent authority;

2. to delegate the purchase of printing to any instrumentality covered by this Chapter whenever, in the state chief information officer's written opinion, the best interests of the state will be served thereby; and

3. to use any and all powers and authority granted to the state chief information officer by law or otherwise delegated to the state chief information officer by competent authority.

C. Centralized Procurement of Printing, Engraving, and Mailing. All requirements for printing, mailing, printing services, and mailing services shall be submitted directly by the agency to the Office of Technology Services and shall not be handled at the agency level through printing or mailing vendors or their representatives. All printing requests shall be forwarded to the OTS Production Support Services (PSS) section for processing, except that:

1. the state chief information officer, or the state chief information officer's designee, may return a printing request to the submitting agency with delegated purchasing authority under Subchapter E of this Chapter, for solicitation of competitive pricing by the Office of State Procurement, in accordance with the Louisiana Procurement Code; or

2. if the state chief information officer, or the state chief information officer's designee, notifies a requesting agency in writing that the Office of Technology Services is unable to process an individual printing request, for any reason, the agency should forward to the Office of State Procurement that request and associated delegation of purchasing authority; and

3. at all times and in all cases, the right is reserved for the state chief information officer and the state chief information officer's designee to approve for processing at the agency level, in accordance with all laws, rules and regulations, and executive orders, any request for printing, mailing, or printing or mailing services. The dollar level at which this delegation may occur shall be described in writing by the state chief information officer or the state chief information officer's designee.

a. The right is reserved for any state board, commission, department, institution, or office covered by this Section to obtain any printing, copying, folding, binding, pressure-sealing, envelope inserting, or similar work using a device owned, rented, leased, or otherwise provisioned to and operated by employees of that entity.

b. The right is reserved to use state facilities as designated by the Commissioner of Administration for all printing, mailing, and similar work for all state departments, boards, commissions, and any other state agencies to which this Chapter applies.

c. To effect a uniform, consolidated print and mailroom for the benefit of all state agencies, the right is reserved for the state chief information officer to designate mail equipment operated by any state department, board,

commission, or other state agency covered by this Chapter for discontinuation and may direct the processing of mail and mailing services performed using equipment so designated to the Office of Technology Services.

i. This Subsection shall not apply to state colleges and universities, their management boards, or to the Board of Regents, unless the state chief information officer verifies that inclusion of such state colleges and universities, their management boards, or the Board of Regents would result in a savings to that respective college, university, or board.

#### D. Requests for Printing

1. Standard Form DA-200 (Request for Printing). All requests for printing and printing services shall be submitted to the Office of Technology Services using a Form DA-200 (Request for Printing) in hard copy format, via fax, or via email. Form DA-200 shall be created, maintained, and promulgated to all agencies on the website of the Office of Technology Services, and which shall be furnished to agencies upon request to the Office of Technology Services. Agencies may request common types of printed materials with similar specifications on the same DA-200, but agencies should not combine different types of printed materials on the same DA-200, except upon approval by the Office of Technology Services. Examples of types of printing covered by this subpart include without limitation:

- a. books of any size and any binding type, including leaflets, catalogs, periodicals, and newsprints)
- b. business cards;
- c. brochures, including flyers, multi-panel materials, and maps;
- d. multi-part forms, including carbonless replication forms;
- e. flat printing, including collated copies;
- f. post cards and self-mailer forms;
- g. rack cards;
- h. variable data and transactional prints, including letters, notices, and statements;
- i. variable data and transactional negotiable instruments, such as bank checks; and
- j. wide format printing, including signage, decals, stickers, banners, and posters.

2. Each request for printing must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and, if possible, original sample(s) or, preferentially, an electronic print layout in a format approved by PSS. For reprints of existing documents, buyers should reference a previous request for printing from the Office of Technology Services by including a prior job number.

3. The standard file format for receipt by PSS of matter for printing is PDF, and PSS shall provide specifications for this and other file formats upon request.

#### E. Delegation of Authority for Printing and Mailing

1. The state chief information officer may directly delegate the purchase of printing and mailing to any instrumentality, when the best interests of the state are thereby served. The amount of this delegation shall be

described in writing by the state chief information officer, or the state chief information officer's designee.

2. Where unusual problems are encountered and a public agency considers additional delegated authority necessary, the requesting agency shall submit to the state chief information officer, or to the state chief information officer's designee, an application presenting qualifying supporting information about the request for printing and justification for exception to this Memorandum. The application for additional delegated purchasing authority, and written disposition by the chief information officer responsive to such requests, shall be public documents and shall be open for public inspection and copying as provided by R.S. 44:1 et seq.

3. Authority is delegated to all agencies covered by this Chapter to purchase printed materials in the following circumstances, without prior approval by the state chief information officer or the state chief information officer's designee.

a. Agencies have unlimited authority to purchase existing publications, such as textbooks, newspapers, subscriptions, periodicals, or foreign publications, when purchased directly from the publisher, and not from an agent or authorized reseller, of such publications. All procurement files shall include documentation proving that the furnishing contractor is the publisher.

i. No employee, agent, officer, agency, board, commission, or other instrumentality of the state covered by this Chapter shall publish or cause to be published any copywritten matter solely for the purposes of obtaining such material directly from a publisher or to circumvent the requirements of this Chapter or of the Louisiana State Procurement Code.

b. Agencies may purchase within their designated purchasing authority for office supply commodities, and in accordance with proper procurement procedures, the following types of items:

i. blueprints, including wide-format and plotter prints referred to as "blueprints";

ii. award plaques, name plates, award pins, and cast, carved, engraved, or 3D printed items bearing the agency logo or other such information;

iii. stock item labels, which are blank stock items inventoried by suppliers and which are not printed;

iv. standard xerographic paper, fine printing papers, and other printing media available on a state contract, if the materials are purchased from that state contract

4. All purchases, whether made by the Office of Technology Services, by the Office of State Procurement, or by an agency under the delegated authority provisions of this Chapter, shall be made in compliance with R.S. 39:245, R.S. 43, and with the Louisiana Procurement Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:29, and R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:429 (July 1988), amended LR 48:2527 (October 2022).

## **Subchapter C. Printed Matter Prohibitions, Uniform Standards, and Needs Assessment**

### **§2705. Requirements for Public Documents**

#### **A. Printed Matter Prohibitions**

1. No branch, department, agency, official, employee, or other entity of state government shall print or cause to be printed any bulletin, leaflet, Christmas card, personalized memorandum stationery, or other similar communication, circular, book, report, or similar publication, except those required by law. The state department, board, commission, or agency submitting a request for print or printing services shall be responsible for ensuring compliance with all provisions of this Subchapter.

2. All printed matter shall be effected in a uniform manner as to basic content, size, quality of paper, and use of color as contained in standards established and promulgated by the Office of Technology Services. The state chief information officer, or the state chief information officer's designee, is empowered to make such exceptions to the provisions of this Subchapter affecting the executive branch of state government, as may be in the state's best interests.

3. No public official of any branch, department, agency, or other entity of state or local government shall affix his or her name or picture on drivers' licenses, except their own personal driver's license, issued by the state, or any publicly owned motor vehicle; nor shall any such official cause his name or picture to be so affixed.

4. Exceptions. The provisions of this Section shall not be construed to prohibit the printing or publication of any printed matter required by any federal law or regulation in order that the state or any department or agency thereof may obtain or receive federal funds, grants, or assistance.

a. The provisions of this Section shall apply to printed matter printed pursuant to any such federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

b. The Louisiana Workforce Commission is not prohibited from printing, or causing to be printed, any statistical or other information, including legal publications, relating to employment conditions of workers or other publications, not required by law that would be helpful to any person affected by laws or rules and regulations of the commission.

c. The Department of Culture, Recreation and Tourism is not prohibited from printing, or causing to be printed, any new promotional materials that enhance the development and implementation of cultural, recreational, and tourism programs when funds have been appropriated for that purpose.

d. The Department of Wildlife and Fisheries is not prohibited from printing, or causing to be printed, any new promotional materials that enhance the development and implementation of natural, recreational, and tourism programs when funds have been appropriated for that purpose.

#### **B. Needs Assessment**

1. Any department, agency, branch, official, employee, or other entity of state government seeking to print or have printed any public document shall perform a needs assessment to determine the basis of requirement for such publication, prior to the commencement of work the publication.

2. The needs assessment shall include information relative to the content of the matter to be printed, the reason for printing, the number of copies to be printed, the distribution and mailing list for the printing, and any other relevant specifications such as paper weight and color.

3. If the printed matter is to include a picture of a public official or employee, the needs assessment shall further include a specific reason for the inclusion of the picture in the publication.

4. The needs assessment shall be provided to and approved by the appropriate administrative head or department secretary prior to the expenditure of any funds for the printing of such document. The Needs Assessment shall be a public document and shall be open for public inspection and copying as provided by R.S. 44:1 et seq.

5. The provisions of Subsection B shall not apply to colleges, universities, or any other higher education institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31 and R.S. 43:31.1

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2529 (October 2022).

## **Subchapter D. Uniform Requirements for Printing and Mailing**

### **§2707. Uniform Standards for Printing**

A. Cost Statement Requirement. All printed matter, except documentation in connection with proceedings of the executive branch of state government, printed, or caused to be printed, by any department, agency, official, employee, or other entity of the executive branch of state government shall contain the following statement, hereafter referred to as the "cost statement," with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication:

This public document was published at a total cost of \$(total cost of one unit of this printing). (Number of copies in this issue) copies of this public document were published in this (number: first, second, third, etc.) printing at a cost of \$(total cost of all copies in this printing). The total cost of all printing of this document including reprint is \$(total cost of all printings). This document was published by (OTS Production Support Services, 627 N 4<sup>th</sup> Street, Baton Rouge, LA 70802, or information of company delegated this printing) on behalf of (name of entity requesting the printing) in order to (concise statement of purpose) under authority of (citation of law requiring publication, or of special exception by Division of Administration pursuant to Subchapter C, Section 2705.A, Paragraph 2). This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31.

1. If the printing of the material was not done by a state agency, the above statement shall include the following additional language.

Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

2. The provisions of this Subsection shall not apply to printed matter used by the following entities: the Department of Economic Development, for the purpose of attracting new industry to locate within the state of Louisiana; the Office of Tourism in the Department of Culture, Recreation and Tourism, relative only to new promotional materials; and public colleges and universities, and vocational and technical schools. The following three factors shall be utilized in computing cost data:

a. preparation of the public document for publication, including authorship and editorial services, design, and composition;

b. printing, including all expenditures for reproduction, whether on bid or in-house;

c. circulation, including all estimated expenditures for postage or distribution of the public document.

B. Preparation of Cost Statements for Public Documents. Cost statements shall be prepared according to the following procedure.

1. All printed matter referred to in Subsection A is assumed by the Office of Technology Services to refer to types of printing material described in R.S. 43:31(A).2. When practical, the cost statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule.

a. Where design limitations constrain the foregoing requirements, the cost statement shall be printed in Arial, or a similar sans-serif font, at a point size sufficient for legibility, and shall be contained in a box of not less than one point rule.

b. The required cost statement may be placed on the title page, fly leaf, or rear cover of books. On leaflets, brochures and other publications, the cost statement should be placed in a position of conspicuity or prominence to the layout, below the logo or name of the agency requesting the printing.

2. Preparation of the cost statement is detailed below:

This public document is published at a total cost of \$(a)\_\_\_\_\_. (b)\_\_\_\_\_ copies of this public document were published in this (c)\_\_\_\_\_ printing at a cost of \$(d)\_\_\_\_\_. The total cost of all printings of this document, including reprints is \$(e)\_\_\_\_\_. This document was published by (f)\_\_\_\_\_ to (g)\_\_\_\_\_ under authority of (h)\_\_\_\_\_. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. (i) Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

a. total cost of one unit of this printing;  
b. number of copies printed in this issue;  
c. number of times this exact document has been published (number: first, second, third, etc.), where substantive changes to copy or composition are excluded;

d. this figure should reflect only the printing cost for this issue;

e. this figure should include a total of all factors set forth in R.S. 43:31(c) for all printings. (If this is the first printing, the figures for (d) and (e) should be the same. If this is a reprint, then this figure should include the total cost for all publications from the beginning;

f. OTS Production Support Services, PO Box 94095, Baton Rouge, LA 70804-9095, or the name of company delegated the printing of this issue, followed by the name and address of the agency requesting the printing of this issue;

g. the reason for publishing this public document;  
h. the law that authorized the printing of the public document; or, absent such a state or federal law, the following language: "under special exception by the Division of Administration" if exception has been so obtained;

i. this language shall be included only if the printing of this issue was not performed by the Office of Technology Services.

C. The Division of Administration assumes that the intent of the legislature was not to increase either administrative or printing costs with the passage of R.S. 43:31; therefore, in computing cost data, estimated costs may be used. The estimated costs should include:

1. printing costs given by printer, whether in-house, and inclusive of raw materials and setup costs; or printing costs given by the Office of Technology Services; or

2. if printed by an agency using devices and materials owned by that agency, an estimated portion of the salaries, benefits, and other administrative expenses of all agency personnel involved in preparing, printing, finishing, and distributing the public document; an estimated cost of all materials, including media, supplies, and consumables; any other agency costs directly attributable to the publication; and

3. estimated handling and postage or freight charges for distribution of the issue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:883 (May 2015), LR 48:2529 (October 2022).

### §2708. Uniform Standards for Mailing

A. Statewide Uniform Consolidated Mailroom. The Office of Technology Services shall establish a uniform, consolidated mailroom operation to provide messenger, mail processing, and presorting services for the benefit of public agencies statewide.

B. Powers and Duties of the State Chief Information Officer

1. The state chief information officer, or the state chief information officer's designee, shall establish a set of specifications for mailed matter, to be used by all state agencies, including:

- a. type of envelopes;
- b. sizes of envelopes; and
- c. address print requirements.

2. The state chief information officer is authorized to adopt all necessary standards and guidelines to implement a uniform consolidated mailroom operation and is authorized to promulgate all rules and regulations necessary and proper toward that end, pursuant to the provisions of the Administrative Procedure Act.

C. Production Support Services Mailroom

1. All departments, agencies, officials, employees, and other entities of state government shall source all requirements for mail and mailing services from the uniform, consolidated mailroom operation provided by the Office of Technology Services, Production Support Services section.

2. The provisions of this Section shall not apply to colleges and universities, their management boards, and the Board of Regents, unless it can be verified that inclusion would result in a savings to the respective college, university, or board.

3. Subject to the requirements of the Administrative Procedure Act, the state chief information officer may establish a procedure for verification that inclusion of a

college, university, or board would result in a savings to that respective college, university, or board.

#### D. Appointment of Mail Coordinators

1. The head of each department, agency, board, commission, or other public entity subject to this Section shall identify and designate to the Office of Technology Services specific persons with responsibility for coordinating requests for mailing services on behalf of the public entity.

2. At least one full-time employee of the public entity must be designated the primary mail coordinator, with authority on behalf of the agency:

- a. to receive and possess mail items both inbound and outbound;
- b. to request mailing services from the Office of Technology Services, and to encumber funds for the same;
- c. to prepare and submit to the Office of Technology Services outbound mail items for processing;
- d. to administer the agency's mailing account with the Office of Technology Services; and
- e. to designate additional persons to serve as secondary mail coordinator.

3. At least one other person shall be designated as secondary mail coordinator with authority on behalf of the agency:

- a. to receive and possess mail items both inbound and outbound;
- b. to request mailing services from the Office of Technology Services, and to encumber funds for the same;
- c. to prepare and submit to the Office of Technology Services outbound mail items for processing; and
- d. at the election of the primary mail coordinator, to act with full authority on behalf on the primary mail coordinator.

E. Mailing Standard. Items submitted to the Office of Technology Services shall be suitable for mailing in accordance with the provisions of this Section and with the United States Postal Service® Domestic Mail Manual, hereafter referred to as the DMM. The Office of Technology Services may reject for processing any items not prepared in accordance with the DMM or not consistent with the standards for state mailings established by the state chief information officer.

F. Standard Form DA-300, Request for Mail Service. All public entities requesting mailing services shall submit to the Office of Technology Services a completed Form DA-300 (request for mail service) for each such request, unless otherwise instructed by the Office of Technology Services.

G. Messenger Mail. The Office of Technology Services shall provide interdepartmental messenger services for the benefit of participating public agencies.

1. Items submitted for mailing via messenger mail shall be enclosed in an approved courier envelope, with the recipient's name and service location plainly indicated and legible, and shall make use of any service labels as the Office of Technology Services might require.

2. The Office of Technology Services shall create and make available for use by public agencies one or more approved types of courier envelopes for use with messenger mail services.

3. Public agencies shall not mark, imprint, damage, or otherwise impair the circulation of courier envelopes provided by the Office of Technology Services, unless otherwise directed by the Office of Technology Services.

4. Parcel matter submitted for mailing via messenger mail shall be sealed in a rigid container, such as a corrugated paperboard box, suitable for shipping and with the recipient's name and service location plainly indicated and legible on a label provided by the Office of Technology Services. The maximum weight of a parcel of such matter, including all shipping materials, shall be 40 pounds, unless otherwise exempted by the Office of Technology Services.

5. The Division of Administration, the Office of Technology Services, and all employees, contractors, agents, and assigns of the same shall be fully indemnified and held harmless from, and shall not be liable for, any service delays, lost or damaged matter, or other damages arising from the use by agencies of messenger mail services.

#### H. Content Standards for Messenger Mail

1. Public agencies may utilize messenger mail for delivery services among participating public agencies for any general correspondence, bills or statements of accounts, checks or negotiable instrument, or other matter, including supplies, goods, and property, which serve a specific public purpose, and which would be otherwise suitable for mailing by the United States Postal Service.

2. The right is at all times reserved for the Office of Technology Services to return, halt, and open with cause for inspection messenger mail items, such as to ascertain the intended recipient when the outer packaging is unlabeled or the labeling illegible, and in the case of suspicious matter. The Office of Technology Services shall establish a policy for the appropriate handling by employees of the Office of Technology Services of Messenger Mail matter.

#### G. Transmission by Messenger Mail of Federal Taxpayer Information

1. Public agencies may transmit by messenger mail matter containing restricted data, including Federal Taxpayer Information (FTI), provided that all FTI is transmitted in accordance with the provisions of IRS Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies, with the State of Louisiana Information Security Policy, and with all applicable laws, rules, and agency procedures for the handling of FTI.

2. Requests for shipment by messenger mail of paper or electronic FTI, including without limitation printed, type-written, written, or other physical matter, compact disks (CD), digital video disks (DVD), thumb drives, hard drives, tapes, microfilm, or any other media, shall be made only via written application by a duly authorized public official. All such matter shall be plainly and fully documented on a Form DA-300, or using a transmittal approved by the state chief information officer, or the state chief officer's designee; and delivery of such matter shall be made only upon signature of a designated and duly authorized recipient.

3. All FTI matter transported through messenger mail shall be double-sealed; that is, one envelope within another envelope. The innermost envelope containing the FTI must be marked "confidential," with some indication that only the designated official or delegate is authorized to receive and open its contents. The outermost envelope should not be

labeled as FTI, or otherwise provide any indication that the contents contain FTI. Using appropriately sealed boxes serves the same purpose as double-sealing and prevents anyone from viewing the contents thereof.

H. First-Class Mail. Items submitted for mailing at first-class postage rates shall meet the minimum requirements for mail pieces designated in the DMM.

I. Content Standards for First-Class Letters

1. Public agencies shall utilize first-class letter mail for all general correspondence, bills and statements of accounts, checks and negotiable instruments, material containing information specific to the addressee, and material containing information derived from any database or mailing list owned, leased, rented, or otherwise used by a state agency covered by this Chapter, unless otherwise provided for in federal or state law.

2. All matter containing FTI, all matter containing information subject to the Health Information Portability and Accountability Act (HIPAA), and all personally identifiable information (PII), with the exception of information like name and address information necessary for mailing, must be transmitted via first-class mail, unless otherwise provided for by federal or state law.

3. Items submitted for mailing as first-class letters shall bear a return address or other marking that readily and clearly identifies the public entity submitting the matter. Items submitted for mailing as first-class letters must bear a legible recipient address that includes a correct ZIP Code or ZIP+4 Code. The mailing address block shall not include any barcodes or other graphics, unless approved by the Office of Technology Services.

4. Items submitted for mailing at first-class automation postage rates shall additionally adhere to the standards for such matter established in DMM 201.3.0

5. Matter submitted in accordance with this subparagraph shall be processed by the Office of Technology Services using automation postage rates whenever possible, and the discounts derived therefrom shall be applied equally to the benefit of all public agencies covered by this Subchapter.

6. First-class letters shall be mailed with the return service requested postal ancillary endorsement, unless otherwise required by the requesting public agency.

7. The Office of Technology Services may provide for available other ancillary services, including endorsement of outbound matter, at as close to the actual cost of such service as can be determined.

8. The use of registered and certified mail optional services shall be restricted to such matter as required by federal or state law; and the state chief information officer may require public agencies to submit written justification for the use of registered or certified mail services. Such justification shall identify the applicable federal or state law that requires the matter be mailed with registered or certified mail.

9. Public agencies should minimize or eliminate wherever practicable any use of hand-written addressing methods for mailed matter.

10. The state chief information officer may establish a procedure for the identification and minimization of inaccurate and undeliverable addresses to which public agencies transmit First-Class Letters. Upon request by a

public agency, the Office of Technology Services may obtain from the United States Postal Service, or a duly authorized designee thereof, corrected address records on behalf of the mailing agency; and upon authorization by a public agency, the Office of Technology Services may forward first-class letters to addresses corrected using USPS-approved methods.

11. All first-class matter not suitable for mailing at card or letter rates may be mailed as first-class flats.

12. Flats-sized matter submitted for mailing at first-class postage rates shall adhere to the standards for mail pieces described in DMM 200.4.0.

13. Presortation of First-Class Flats. Wherever practicable, when mailing flats, public agencies should utilize printed address labels using opaque, white stock. Addresses should be imprinted in a type no smaller than 14 point and only in black or blue ink.

14. Public agencies mailing flats should minimize the use of hand-written addressing methods.

15. Public agencies may request priority mail or priority mail express service for any qualified matter, in the following circumstances:

a. as required by federal or state law, or when first-class service parameters are unsuitable for a particular item presented for mailing;

b. via shipping services furnished by PSS in lieu of third-party carriers, provided such matter adheres to the standards for priority mail specified in DMM 123.1.4.2;

c. as needed for a specific, urgent public purpose;

d. by special exemption from the state chief information officer, of the state chief information officer's designee, when the best interests of the state are served thereby

J. Standards for Other Mail Classes. The state chief information officer, or the state chief information officer's designee, may establish a set of standards for matter mailed using other USPS mail classes, pursuant to the Administrative Procedure Act.

K. Mail Information Notices. The state chief information officer may promulgate mail information notices to all public agencies, their secretaries, undersecretaries, primary and secondary mail coordinators, and other interested parties, to apprise public mailers of important information affecting mailing services. Such notices shall also be retained and made available for public inspection on the website of the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:29, and R.S. 43:31 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2530 (October 2022).

### §2709. Election Material

A. Prohibition on Printing of Certain Election Materials. No branch, department, agency, official, employee, or other entity of state government shall expend funds of, administered by, or under the control of any branch, department, agency, employee, official, or other entity of state government to print, mail, or distribute material or otherwise to urge any elector to vote for or against any candidate or proposition on an election ballot, nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual

information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the legislature or any local governing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245 R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:884 (May 2015), LR 48:2532 (October 2022).

### §2711. Violations

A. Any administrative head of any branch, department, agency, or entity who violates any provision of this Chapter and any employee who, without the authorization of his administrative superior, violates any provision of this Chapter shall be personally liable for the cost of any printing in violation of this Chapter. Any funds of, administered by, or under the control of any branch, department, agency, official, employee, or other entity of state government expended on any printing in violation of this Chapter may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. In addition, any person who violates the provisions of this Section shall be assessed a fine by the court of not more than five hundred dollars.

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:31.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 14:431 (July 1988), amended LR 41:885 (May 2015), LR 48:2533 (October 2022).

### Subchapter E. Distribution of Printed Matter

#### §2715. Distribution of Printed Matter (R.S. 43:32)

A. Except for interagency distribution and distribution otherwise required by law, and except for distribution of printed material by any public college or university to potential students for recruitment purposes, no state department, agency, or other instrumentality of state government shall distribute by mail or third-party courier any printed materials in excess of 10 pages in length, unless the availability of such printed materials has been announced by written notice stating the title and subject matter of the printed material and only upon receipt of a written request to such written notice for the materials. The publishing agency may solicit such written notice the names on the regular mailing list and to any others deemed by the publishing agency to be interested parties.

B. Each branch, department, agency, official, employee, or other entity of state government shall maintain a separate mailing list for each publication printed by such branch, department, agency, official, employee, or entity. Each mailing list shall be purged at least once every two years, and, except for mailings required by law, shall be replaced by a list of persons actively requesting receipt of a particular publication.

C. This Section shall not apply to address update requirements that conflict with existing state or federal laws or regulations.

D. The provisions of this Section shall not apply to the distribution of printed material by any public college or university to potential students for recruitment purposes.

E. This Section shall not apply to any printed publication for which federal funds have been provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:245, R.S. 43:1, R.S. 43:31 (A) (2), R.S. 43:32, and R.S. 43:33.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2533 (October 2022).

### §2719. Requests for Information

A. All requests for information shall be directed to:

Division of Administration  
Office of Technology Services  
PO Box 94095  
Baton Rouge, LA 70804-9095

B. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration via the Office of Technology Services, PO Box 94095, Baton Rouge, LA 70804-9095, and shall not be handled by public agencies through representatives or vendors.

C. Public Document Needs Assessment Form Example

#### EXHIBIT A EXAMPLE PUBLIC DOCUMENT NEEDS ASSESSMENT FORM

Name of Agency:  
Agency Mailing Address:  
Quantity:  
Estimated Amount \$  
Description of Public Document(s):  
Size:  
Number of Pages:  
Number of Sheets:  
Paper Cover:  
Text:  
Ink(s) Cover:  
Ink(s) Text:  
Binding:  
Finishing:

Give a brief statement of why this publication needs to be printed.

In the absence of legislation specifying the printing of a particular public document, include the following statement, adjusted as necessary, and inclusive of the required signature:

I hereby certify that the above public document(s) is (are) essential to the fulfillment of the programs approved for this agency by the Appropriation Act and that funds are available to print (and/or distribute) this (these) document(s).

I am, therefore, requesting an exception as provided for in R.S. 43:31(A).

/S/ Department Undersecretary or Undersecretary's Designee

AUTHORITY NOTE: Promulgated in accordance with R.S. 43:33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 48:2533 (October 2022).

Jay Dardenne  
Commissioner

2210#006

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Animal Health and Food Safety

#### Alternative Livestock—Chronic Wasting Disease (LAC 7:XXI.1705, 1727-1737)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, and under the authority of R.S. 3:3101, the commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the regulations set forth herein for Chronic Wasting Disease for alternative livestock facilities.

Chronic Wasting Disease (CWD) is a neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no known treatment. These diseases cause irreversible damage to brain tissue, which leads to salivation, neurological symptoms, emaciation, and death of the animal.

Pursuant to R.S. 3:3101, the commissioner of Agriculture and Forestry is vested with authority to regulate alternative livestock, including imported exotic deer and antelope, elk, facility-raised white tail deer and other exotic cervidae within the state of Louisiana.

Since 2009, the Department of Agriculture and Forestry (LDAF) has been working in conjunction with the U.S. Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS) CWD Program, and since 2011, Louisiana, through LDAF, has been a Participating Approved State, as defined by that program. In compliance with that program, LDAF submits annual comprehensive Herd Certification Program (HCP) Reports to APHIS for review and endorsement, whereby the state's compliance with the program requirements and disease control efforts is monitored.

Due to the nation-wide rise in the number of CWD-positive cases among cervid populations, LDAF closed the state borders to prevent entry of cervids in 2012. As a precautionary measure, in 2013 and again in 2015, LDAF decommissioned three herds of cervids at alternative livestock facilities, where a total of 136 cervids were depopulated and tested for CWD. All sample results tested were negative for CWD. To date, no cervids within captive alternative livestock facilities within the state have tested positive for CWD.

Despite the successful measures by LDAF to control the transmission and environmental contamination of CWD within alternative livestock populations, CWD continues to pose threats to cervid populations across Louisiana. Left unchecked, CWD has the potential to infect entire cervid herds resulting in considerable economic loss to cervid farmers, the deer-hunting industry, and the state of Louisiana.

On January 28, 2022, the Louisiana Animal Disease Diagnostic Laboratory (LADDL) at LSU detected CWD in a

sample submitted by the Department of Wildlife and Fisheries (LDWF) from a hunter-harvested adult buck in Tensas Parish. The sample was thereafter confirmed as positive for CWD by the National Veterinary Services Laboratory (NVSL). The CWD-positive buck was not harvested from an alternative livestock facility.

The provisions established in this emergency regulation are necessary to prevent the spread of CWD in Louisiana into alternative livestock facilities in the state of Louisiana. For these reasons, the potential spread of CWD in Louisiana presents an imminent peril to the public health, safety, and welfare to Louisiana's citizens, the state's alternative livestock, and the state's alternative livestock industry, as set forth in R.S. 49:953(A)(1)(a).

This Emergency Rule shall have the force and effect of law upon signature, and will remain in effect for 180 days, unless renewed by the commissioner of Agriculture and Forestry.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XXI. Animals and Animal Health

#### Chapter 17. Alternative Livestock—White-Tailed Deer and Captive Cervids (Formerly Chapter 15)

#### §1705. Definitions (Formerly §1503)

A. ...

\* \* \*

*Certified herds*—a herd that has enrolled in the Herd Certification Program and has attained Certified status as defined in 9 CFR part 55.

*Chronic Wasting Disease (CWD)*—a neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always, fatal, and has no treatment. CWD is part of a group of diseases known as transmissible spongiform encephalopathies (TSEs) and is similar to BSE (mad cow disease) in cattle and scrapie in sheep. These diseases cause irreversible damage to brain tissue in the animal, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

\* \* \*

*Enrolled Herds*—a herd that has enrolled in a Herd Certification Program and met the minimum requirements defined in 9 CFR part 55.

\* \* \*

*Surveillance Zone*—an LDAF-designated area consisting of a 25 mile radius from the positive animal in which mitigation measures and regulations are applied to alternative livestock facilities.

\* \* \*

*USDA*—the United States Department of Agriculture.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1671 (September 1998),

amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 38:961 (April 2012), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended LR 42:1864 (November 2016), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

#### **§1727. Chronic Wasting Disease; Surveillance Zones**

A. Whenever the commissioner or his designee has been notified that any cervid, whether in an alternative livestock facility or not, has tested positive for CWD anywhere within the state, he may establish a surveillance zone by the following procedures:

1. by giving notice, in writing, to any and all alternative livestock facilities within the surveillance zone;
2. by publishing notice of the surveillance zone in the *Louisiana Register*; and
3. by posting notice of the surveillance zone on the LDAF website.

B. Once imposed, a surveillance zone will remain in effect unless and until otherwise cancelled or modified by the commissioner or his designee.

C. LDAF shall annually, on or before December 31, publish in the *Louisiana Register* a list of all areas of Louisiana which are included in surveillance zones.

D. The commissioner or his designee may, at his discretion, cancel a surveillance zone or modify an area from a surveillance zone when it is proven to his satisfaction that the area has been mitigated and no longer warrants surveillance zone restrictions, by the following procedures:

1. by giving notice, in writing, to any and all alternative livestock facilities within the surveillance zone;
2. by publishing notice of the surveillance zone in the *Louisiana Register*; and
3. by posting notice of the surveillance zone on the LDAF website.

E. Surveillance zones in this state include:

1. an area consisting of a 25-mile radius from the positive animal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

#### **§1729. Chronic Wasting Disease; Export of Carcasses from a Surveillance Zone**

A. The export of any cervid carcass or part of a cervid carcass originating from a facility, as defined in this Chapter, located within a surveillance zone, is prohibited, except for:

1. meat that has been cut and wrapped;
2. meat that has been boned out;
3. quarters or other portions of meat with no spinal column or head attached;
4. antlers;
5. cleaned skull plates with antlers;
6. cleaned skulls without tissue attached;
7. capes;
8. tanned hides;
9. finished taxidermy mounts; and
10. cleaned cervid teeth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

#### **§1731. Chronic Wasting Disease; Transport of Cervids in Surveillance Zone**

A. The transport of alternative livestock into, out of, and within an LDAF-designated surveillance zone is prohibited, except as indicated in this Chapter.

B. Alternative livestock may be transported into, out of, and within an LDAF-designated surveillance zone only with prior authorization of LDAF in the form of an LDAF-issued permit.

C. Permits to transport into, out of, or within an LDAF-designated surveillance zone may be obtained by contacting the Office of Animal Health.

D. Failure to obtain a permit prior to transporting alternative livestock to or from a facility located within an LDAF-designated surveillance zone shall constitute a violation of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

#### **§1733. Chronic Wasting Disease; Certified Herds; Non-Certified/Non-Enrolled Herds**

A. Alternative livestock facilities who have voluntarily enrolled in the USDA/APHIS Herd Certification Program may transport cervids into, out of, and within the surveillance zone subject to the following requirements.

1. Certified Herds who have been in good standing with the USDA/APHIS CWD Program for a period of at least 60 months may transport cervids into, out of and within the surveillance zone only upon the prior issuance of an LDAF-issued movement permit.

2. Enrolled Herds who have been in good standing with the USDA/APHIS CWD Program for a period of at least 24 months may transport cervids into, out of, and within the surveillance zone only:

- a. upon the prior issuance of an LDAF-issued transport permit; and
- b. in accordance with same guidelines and procedures set forth in Appendix II - USDA-APHIS CWD Program Standards (May 2019 or amended).

B. Alternative livestock facilities located within a surveillance zone shall stock any new herds with cervids from a USDA/APHIS-certified herd and shall first obtain a license from LDAF to do so.

C. Movement is prohibited in non-enrolled herds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

#### **§1735. Chronic Wasting Disease: Permits and Licenses**

A. Permits to transport alternative livestock within an LDAF-designated surveillance zone, and licenses to establish new herds, may be obtained by application to the Office of Animal Health.

B. Permits to transport and/or permits to establish new herds may be cancelled by the commissioner or his designee

whenever, in his sole judgment, such cancellation is necessary to prevent the spread of CWD.

C. Permits to transport shall specify the origin, destination, proposed date(s) of transport, and individual official identification for each animal being transported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

**§1737. Chronic Wasting Disease; Enforcement**

A. Any person violating the provisions of R.S. 3:3101 et seq. or this Chapter shall be subject to enforcement action.

B. The commissioner may suspend or revoke any license issued under the provisions of R.S. 3:3108 and this Chapter. The commissioner may also assess a civil penalty for violation of any provision of R.S. 3:1461 et seq., or any violation of any regulation enacted under the authority of said statutes.

C. Whenever the commissioner has reason to believe that any person has violated any provision of the R.S. 3:3101 et seq., or this Chapter, the commissioner shall notify the person of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any scheduled hearing date.

D. Each separate day on which any violation occurs shall be considered a separate violation.

E. No penalty may be assessed, nor may any license be suspended or revoked by the commissioner, prior to the holding of an adjudicatory hearing before a hearing officer. Such adjudicatory hearing shall be conducted in accordance with the requirements of the Administrative Procedure Act; any person alleged to have violated any provision of R.S. 3:3101 et seq., or this Chapter shall be accorded all rights and privileges under said Act.

F. The hearing officer shall make an initial determination on alleged violations and recommend findings of fact and conclusions of law together with penalties, if applicable, in writing.

G. The commissioner shall make the final determination on the disposition of alleged violations.

H. Reinstatement of a revoked license shall be by a formal hearing before a hearing officer held pursuant to the Administrative Procedure Act, and shall require the approval of the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 48:

Mike Strain DVM  
Commissioner

2210#005

**DECLARATION OF EMERGENCY**

**Department of Children and Family Services  
Child Support Enforcement**

Criminal History Records Checks for Access  
to Federal Tax Information (LAC 67:I.205)

The Department of Children and Family Services (DCFS), Child Support Enforcement, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:I, Chapter 2 Criminal Background and State Central Registry Checks, Section 205 Criminal History Records Checks for Access to Federal Tax Information. This Emergency Rule shall be effective October 1, 2022, and shall remain in effect for a period of 180 days.

Pursuant to IRS statute 26 USCS 6103(p)(4) and its supplemental publication 1075, the department must conduct fingerprinting, along with national, state and local criminal history record checks on all individuals handling and those who may handle Federal Tax Information (FTI). The criminal history record checks are used to determine the suitability of individuals to access FTI in performance of their job duties or services for the department. Section 205 is being amended to allow the department the immediate authority to terminate or remove current employees who are determined FTI unsuitable.

The department considers emergency action necessary to ensure continued compliance with federal regulations and to avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Program in Louisiana.

**Title 67**

**SOCIAL SERVICES**

**Part I. General Administration**

**Chapter 2. Criminal Background and State Central Registry Checks**

**§205. Criminal History Records Checks for Access to Federal Tax Information**

A. - F.1.c. ...

2. If a current or prospective employee, contractor or subcontractor has been deemed FTI unsuitable, the department will exercise one or more of the options below:

- a. access or use of FTI will immediately be denied, suspended or prevented;
- b. the job offer may be rescinded;
- c. the contract may be terminated;
- d. the contractor or subcontractor's employee may be removed or prohibited from performing work on the contract; or
- e. current employee may be terminated and/or removed from employment.

F.3. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with Act 147 of the 2017 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Support Enforcement Section, LR 45:651 (May 2019), LR 46:1543 (November 2020), LR 48:

Marketa Garner Walters  
Secretary

2210#015

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Licensing Section

12-Month License  
Child Residential Care, Class B,  
Residential Homes (Type IV),  
Child Placing Agencies—General Provisions,  
and Juvenile Detention  
(LAC 67:V.6955, 7107, 7311, and 7507)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V.Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6955; Chapter 71, Residential Homes-Type IV, Section 7107; Chapter 73, Child Placing Agencies—General Provisions, Section 7311; and Chapter 75, Juvenile Detention Facilities, Section 7507. This Emergency Rule shall be effective October 1, 2022 and shall remain in effect for a period of 180 days.

The department considers emergency action necessary as the current process causes providers to submit unnecessary documentation and fees to the department. This presents an unnecessary economic burden to small businesses in dealing with a government entity. The proposed rule removes any ambiguity in the current rule when the provider's license expires outside of their renewal timeframe. In addition, the issuing of actual paper licenses every 60-90 days poses an undue burden on the workforce for the department. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 69. Child Residential Care, Class B

#### §6955. Procedures

A. - C. ...

1. A license shall be renewed on an annual basis prior to the last day of the anniversary month of the license.

2. The provider shall submit, prior to its license expiration date, a completed renewal application form, applicable fee, and required documents. The following documentation shall be submitted with the renewal application form:

- a. Office of Fire Marshal approval for occupancy;
- b. Office of Public Health, Sanitarian Services approval;
- c. city fire department approval, if applicable;

d. copy of proof of current general liability and property insurance for facility;

e. copy of proof of current insurance for vehicle(s) used to transport residents;

f. copy of a satisfactory fingerprint-based criminal record check through the FBI as noted in §6966.A and/or 6966.B, as applicable and required by R.S. 46:51.2 and 15:587.1 for all owners and §6966.C and/or 6966.D, as applicable for program directors as required by R.S.46:51.2 and 15:587.1; and

g. copy of current state central registry clearance forms for all owners and program directors/administrators.

3. Prior to renewing the residential home license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, standards, and any other required statutes, ordinances, or regulations. A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action.

4. Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

D. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S.46:1401-1424 and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:508 (April 2019), effective May 1, 2019, LR 46:687 (May 2020), effective June 1, 2020, LR 48:

#### Chapter 71. Residential Homes—Type IV

#### §7107. Licensing Requirements

A. - E.2.g. ...

3. Prior to renewing the facility license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, standards, and any other required statutes, ordinances, or regulations. A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action.

4. Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

F. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:519 (April 2019), effective May 1, 2019, LR 46:673 (May 2020), effective June 1, 2020, LR 48:

## **Chapter 73. Child Placing Agencies—General Provisions**

### **§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing**

A. - C.2.i. ...

3. Prior to renewing the child placing agency's license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, standards, and any other required statutes, ordinances, or regulations. A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action.

4. Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action.

D. - N.4....

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 48:

## **Chapter 75. Juvenile Detention Facilities**

### **§7507. Licensing Requirements**

A. - E.2.e....

3. Prior to renewing the JDF license, an on-site inspection shall be conducted to ensure compliance with all licensing laws, standards, and any other required statutes, ordinances, or regulations. A license may be issued for a period of up to one year as determined by the department. If the provider is not found to be in compliance during the timeframe for which the license is issued, the department may proceed with adverse action.

4. Upon rule promulgation, providers with licenses that expire prior to the last day of their anniversary month may be issued a license with an expiration date which coincides with the last day of their anniversary month unless the license is pending adverse action. A provider's anniversary is determined by the month in which the initial license was issued to the juvenile detention facility and in which the license is eligible for renewal each year.

F. - I.7. ...

## **J. Corrective Action Plan (CAP)**

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. Provider may challenge a specific deficiency or any information within a cited deficiency which the provider contends is factually inaccurate. The provider shall have one opportunity to request a review of a licensing deficiency within the timeframe specified for the submission of the CAP. A statement of why the deficiency is being disputed and supporting documents (if applicable) shall be submitted with the corrective action plan within the timeframe specified for the submission of the CAP.

3. The statement of deficiencies for which a review has been requested will not be placed on the internet for viewing by the public until a decision has been reached. As a result of the licensing deficiency review request, a deficiency may be upheld with no changes, the deficiency may be removed, or the deficiency may be upheld and revised to include pertinent information that was inadvertently omitted. Once a decision has been reached, provider will be informed in writing of the decision and the reason for the decision. If information within the deficiency was cited in error or the cited deficiency is revised by the DCFS Licensing Section staff, provider will receive a revised "statement of deficiencies" with the decision letter. If any enforcement action was imposed solely because of a deficiency or finding that has been deleted through the licensing deficiency review process, the action will be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 48:

Marketa Garner Walters  
Secretary

2210#016

# DECLARATION OF EMERGENCY

## Department of Health Bureau of Health Services Financing

### Healthcare Services Provider Fees Hospital Fee Assessments (LAC 48:I.4001 and 4007)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.4001 and §4007 as authorized by R.S. 36:254. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Pursuant to article VII, section 10.13 of the Constitution of Louisiana, the Louisiana legislature establishes an annual hospital stabilization formula via concurrent resolution which directs the Department of Health, Bureau of Health Services Financing to calculate, levy, and collect an assessment for each assessed hospital. In compliance with article VII, section 10.13 of the Louisiana Constitution and the Louisiana legislature concurrent resolution, the department proposes to amend the provisions governing healthcare services provider fees in order to revise the assessment methodology for hospital services providers.

This action is being taken to effectively administer provisions of law related to the imposition, collection, or administration of taxes when required due to time constraints related to congressional, legislative, or judicial action. It is estimated that implementation of this Emergency Rule will increase statutory dedicated revenue collections by approximately \$257,146,328 for state fiscal year 2022-2023.

Effective September 21, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing healthcare services provider fees in order to revise the assessment methodology for hospital services providers.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### PART I. GENERAL Administration

#### Subpart 1. General

#### Chapter 40. Provider Fees

#### §4001. Specific Fees

A. - E.3.a. ...

F. Hospital Services

1. Effective July 1, 2022, a hospital stabilization assessment fee shall be levied and collected in accordance with article VII, section 10.13 of the Constitution of Louisiana, any legislation setting forth the hospital stabilization formula, and departmental requirements relative to directed payments.

a. Subject to written approval by the Centers for Medicare and Medicaid Services (CMS) of a directed arrangement pursuant to 42 C.F.R. 438.6, the Department of Health shall levy and collect an assessment from those hospitals subject to the approved directed payment arrangement. Each approved directed payment arrangement is effective for one Healthy Louisiana Medicaid managed care contract rating period.

i. Prior to the levy of any assessment pursuant to this Subsection, the Department of Health shall submit a

Medicaid assessment report to the Joint Legislative Committee on the Budget. The Medicaid assessment report shall include a description of the proposed assessment, the basis for the calculation of the assessment, and a listing of each hospital included in the proposed assessment. The hospital assessment shall be calculated in accordance with the annual hospital stabilization formula set forth by the Legislature of Louisiana and enacted pursuant to article VII, section 10.13 of the Constitution of Louisiana.

ii. An assessment levied pursuant to this Subsection shall be levied only for the quarters that directed payments are actually paid to qualified hospitals pursuant to 42 C.F.R. 438.6 directed payment arrangements approved by CMS.

2. Individual hospitals subject to an assessment under this Subsection shall be obligated to pay such assessment regardless of whether a directed payment is actually paid to the hospital for the quarter for which the assessment is levied.

3. The assessment will be levied and collected on a quarterly basis and at the beginning of each quarter that the assessment is due.

4. - 5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234, R.S. 36:254, and Article VII, Section 10.13 of the Constitution of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018), LR 45:1597 (November 2019), LR 48:

#### §4007. Delinquent and/or Unpaid Fees

A. - C. ...

D. In accordance with departmental requirements relative to directed payments, hospitals that fail to pay the assessment due, or any portion thereof, may be subject to one or more of the following:

1. exclusion from participation in any directed payment arrangement approved by the Centers for Medicare and Medicaid Services pursuant to 42 C.F.R. 438.6;

2. revocation of the hospital's license; or

3. termination of the hospital's enrollment in the Medical Assistance Program (Medicaid).

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:1114 (October 1994), LR 26:1479 (July 2000), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887 (November 2016), LR 44:1017 (June 2018), LR 48:

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

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

Dr. Courtney N. Phillips  
Secretary

2210#003

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing

Inpatient Hospital Services—Urban Metropolitan  
Statistical Area Facility—New Orleans Area  
(LAC 50:V.Chapter 21)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities adopts LAC 50:V.Chapter 21 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility-New Orleans area and the reimbursement methodology for the provision of inpatient services.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by approximately \$2,094,629 for state fiscal year 2022-2023.

Effective October 5, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions to establish qualifying criteria for an urban MSA facility—New Orleans area and the reimbursement methodology for the provision of inpatient hospital services.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospitals Services

### Chapter 21. Urban Metropolitan Statistical Area (MSA) Facility—New Orleans Area

#### §2101. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility—New Orleans area, effective as of October 5, 2022, the hospital must:

1. be designated a non-rural hospital service district located in LDH region 1, with a facility type code of acute, Medicaid enrolled, with an original hospital license date before July 13, 2014, but after July 1, 2014, located in zip code 70127;

2. be a hospital that is located an urban MSA as defined by United States Office of Management and Budget;

3. have an operational emergency room; and

4. not add additional locations under this license, without prior written approval of the department.

a. The addition of any off-site campus, beyond an outpatient primary care clinic, to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

#### §2103. Reimbursement Methodology

A. The inpatient hospital per diem rate paid for acute care services to qualifying urban MSA hospitals-New Orleans area who meet all of the criteria in §2101 shall be increased by indexing annually to 95 percent of the small rural hospital acute per diem rate in effect.

B. The inpatient hospital per diem rate paid for psychiatric services to qualifying urban MSA hospitals—New Orleans area who meet all of the criteria in §2101 shall be increased by indexing annually to 95 percent of the small rural hospital psychiatric per diem rate in effect.

C. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §2101. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §2101 are no longer met.

D. The department may review all above provisions every three years, at a minimum to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

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

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

Dr. Courtney N. Phillips  
Secretary

2210#058

# DECLARATION OF EMERGENCY

## Department of Health Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health  
Hospital Directed Payments  
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana Program and contract with the Medicaid managed care organizations (MCOs) to provide inpatient and outpatient services to MCO enrollees.

This action is being taken to secure additional federal funding and ensure continued provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will result in a net increase of expenditures in the Medicaid Program of approximately \$1,120,027,205 for state fiscal year 2022-2023.

Effective September 21, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana Program and contract with the Medicaid MCOs to provide inpatient and outpatient services to MCO enrollees.

### Title 50

## PUBLIC HEALTH-MEDICAL ASSISTANCE

### Part I. Administration

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

#### Chapter 31. General Provisions

#### §3113. Directed Payments

##### A. Hospital Directed Payments

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

2. *Qualifying Hospital*—either of the following:

a. an in-state provider of inpatient and outpatient hospital services (excluding freestanding psychiatric hospitals, freestanding rehabilitation hospitals, and long-term acute care hospitals) that meets the criteria specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements; or

b. an in-state hospital provider of long-term acute care, psychiatric services, and rehabilitation services for both inpatient and outpatient hospital services that meet the criteria specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements.

3. The department shall assign qualifying hospitals to provider classes based upon criteria specified in the applicable section 438.6(c) preprint(s) approved by CMS, in accordance with departmental requirements.

a. Qualifying hospitals shall have no right to an administrative appeal regarding any issue related to provider classification, including, but not limited to, provider class assignment, the effective date of provider class assignment, or qualifying determinations.

4. The department shall utilize an interim payment process, whereby interim directed payments will be calculated based on provider class assignment utilizing the data and methodology specified in the applicable section 438.6(c) preprint(s) approved by CMS, in accordance with departmental requirements.

a. Qualifying hospitals shall have no right to an administrative appeal regarding calculation of interim directed payments.

5. The department shall cause interim directed payments to be paid on a quarterly basis to the Healthy Louisiana Medicaid managed care organizations (MCOs), in accordance with departmental requirements.

a. The MCOs shall pay interim directed payments to qualified hospitals within 10 business days of receipt of quarterly interim directed payment information from LDH. If a barrier exists that will not allow the MCO to pay the interim directed payments within 10 business days of receipt, the MCO shall immediately notify LDH. LDH at its sole discretion will determine if penalties for late payment may be waived.

b. The qualifying hospital may request that the MCOs deposit their interim directed payments into a separate bank account owned/held by the qualifying hospital. Interim directed payments shall not be deposited into a bank account that is owned/held by more than one qualifying hospital.

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

a. Within 12 months of the end of each state fiscal year (SFY), LDH shall perform a reconciliation as specified in the applicable section 438.6(c) preprint approved by CMS and departmental requirements.

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

b. Qualified hospitals are strongly encouraged to submit claims as quickly as possible after SFY end.

7. If a qualifying hospital that is subject to a reconciliation will not be participating in a directed payment arrangement in the future, the qualified hospital shall pay all amounts owed to LDH, if any, within 30 calendar days’

notice of the amount owed, in accordance with departmental requirements.

a. In addition to all other available remedies, LDH has the authority to offset all amounts owed by a qualifying hospital due to a reconciliation against any payment owed to the qualifying hospital, including, but not limited to, any payment owed by the MCOs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

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

Dr. Courtney N. Phillips  
Secretary

2210#004

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing

#### Outpatient Hospital Services Urban Metropolitan Statistical Area Facility New Orleans Area (LAC 50:V.Chapter 75)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.Chapter 75 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility—New Orleans area and the reimbursement methodology for the provision of outpatient services.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by approximately \$4,796,007 for state fiscal year 2022-2023.

Effective October 5, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions to establish qualifying criteria for an urban MSA facility—New Orleans area and the reimbursement methodology for the provision of outpatient hospital services.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

##### Subpart 5. Outpatient Hospital Services

#### Chapter 75. Urban Metropolitan Statistical Area (MSA) Facility—New Orleans Area

##### §7501. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility—New Orleans area, effective October 5, 2022 a hospital must:

1. be designated a non-rural hospital service district located in LDH region 1, with a facility type code of acute, Medicaid enrolled, with an original hospital license date before July 13, 2014, but after July 1, 2014, located in zip code 70127;

2. be a hospital that is located in an MSA as defined by United States Office of Management and Budget;

3. have an operational emergency room; and

4. not add additional locations under this license, without prior written approval of the department.

a. The addition of any off-site campus, beyond an outpatient primary care clinic, to the license of this hospital will invalidate the provisions of this reimbursement methodology.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

##### §7503. Reimbursement Methodology

A. Payments for outpatient services to qualifying urban MSA hospitals—New Orleans area who meet all of the criteria in §7501 shall be made as follows:

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitation Services. The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

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

Dr. Courtney N. Phillips  
Secretary

2210#059

## DECLARATION OF EMERGENCY

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

### Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency, effective as of January 27, 2020, for the United States in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the state of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) promulgated an Emergency Rule which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule is being promulgated to continue the provisions of the Emergency Rule adopted on March 19, 2020. This Emergency Rule shall be in effect for the

maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective November 11, 2022, the department amends Title 50 of the *Louisiana Administrative Code* to continue the following provisions of the Emergency Rule adopted on March 19, 2020 throughout the duration of the COVID-19 public health emergency declaration:

#### **Nursing Facilities—Reimbursement Methodology— Reimbursement Adjustment (LAC 50:II.20006)**

The per diem rate paid to non-state nursing facilities shall contain an add-on of \$12 for the period of the COVID-19 public health emergency declaration.

#### **Nursing Facilities—Reimbursement Methodology— Leave of Absence Days (LAC 50:II.20021)**

For each Medicaid recipient, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence and 15 home leave of absence days per calendar year.

For dates of service during the COVID-19 public health emergency declaration, the state may allow the reimbursement paid for leave of absence days to be equal to 100 percent of the applicable per diem rate.

#### **Intermediate Care Facilities for Persons with Intellectual Disabilities—Emergency Awareness— Payment Limitations (LAC 50:VII.33101)**

For dates of service during the COVID-19 public health emergency declaration, the state may waive the annual 45 day limit on the client's leave of absence, the limitation of 30 consecutive days, and the inclusion of the leave in the written individual habilitation plan for recipients that return to the facility for at least 24 hours prior to any discharge/transfer.

Payments to providers for these days will not include any enhanced rate add-ons (i.e., Complex Care, Pervasive Plus), and providers will appropriately submit them as leave days when billing for payment.

#### **Services for Special Populations—Personal Care Services (LAC 50:XV.Subpart 9)**

Relaxation of long term-personal care services (LT-PCS) provisions during the COVID-19 public health emergency declaration:

Recipients of long term-personal care services (LT-PCS) may receive more weekly service hours than what is assigned for his/her level of support category;

The state may increase the maximum number of LT-PCS hours received per week;

Recipients may receive LT-PCS in another state without prior approval of OAAS or its designee;

Recipients may receive LT-PCS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the recipient;

Individuals may concurrently serve as a responsible representative for more than two recipients without an exception from OAAS;

The following individuals may provide services to the recipient of LT-PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney);

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to LT-PCS prior authorization requirements;

The state may increase and/or modify reimbursement rates for LT-PCS;

Recipients may orally designate/authorize or make changes to the responsible representative during the emergency. However, once the emergency declaration is over, the recipient must submit a written designation on the appropriate OAAS form to designate a responsible representative;

The state may offer recipients the freedom to choose another LT-PCS provider if the designated provider is not able to provide services;

The state may modify the minimum age requirement for direct care workers; and

The state may allow exceptions to the requirement that the place(s) of service must be documented in the plan of care.

### **Home and Community-Based Services Waivers— Adult Day Health Care Waiver (LAC 50:XXI.Subpart 3)**

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Adult Day Health Care (ADHC) Waiver are relaxed during the COVID-19 public health emergency declaration:

Adult Day Health Care (ADHC) Waiver participants are allowed to receive ADHC services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The current assessments/re-assessments remain in effect past the annual (12 month) requirement;

Participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving or refusing ADHC services;

Participants are not discharged for failure to attend the ADHC center for a minimum of 36 days per calendar quarter;

The state may elect to make retainer payments to ADHC providers when the ADHC center is closed;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

The state may allow exceptions to prior authorization requirements;

The state may increase and/or modify reimbursement rates for ADHC providers; and

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation.

### **Home and Community-Based Services Waivers— Community Choices Waiver (LAC 50:XXI.Subpart 7)**

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Community Choices Waiver (CCW) are relaxed during the COVID-19 public health emergency declaration:

Community Choices Waiver (CCW) participants are allowed to receive personal assistance services (PAS) in

another state without prior approval of OAAS or its designee;

Participants may receive PAS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the participant without prior approval of OAAS or its designee;

The current assessment/re-assessment remains in effect past the annual (12 month) requirement;

CCW participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving and/or refusing services;

Participants are not discharged from CCW self-directed services for failure to receive those services for 90 days or more;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

Participants may receive an increase in his/her annual services budget;

The following individuals may provide services to the participant: the participant's spouse; the participant's curator; the participant's tutor; the participant's legal guardian; the participant's responsible representative; or the person to whom the participant has given representative and mandate authority (also known as power of attorney);

Participants may receive Adult Day Health Care (ADHC) services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The state may elect to make retainer payments to ADHC providers when the ADHC center is closed;

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to prior authorization requirements;

Participants may receive more than two home delivered meals per day;

The state may allow monitored in-home caregiving (MIHC) providers to monitor participants via frequent telephone contacts and/or telehealth;

The state may modify the minimum age requirement for direct care workers; and

The state may increase and/or modify reimbursement rates for CCW providers.

### **Behavioral Health Services—Home and Community- Based Services Waiver (LAC 50:XXXIII.Subpart 9)**

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Coordinated System of Care (CSoC) Waiver are relaxed during the COVID-19 public health emergency declaration:

Coordinated System of Care (CSoC) Waiver participants are allowed to receive CSoC waiver services in another state;

The current level of care evaluation/re-evaluation remains in effect beyond the semi-annual requirement;

CSoC participants are not discharged for failing to receive a face-to-face visit from the wraparound facilitator for 60 consecutive calendar days or more;

Services may be provided telephonically or through videoconferencing means in accordance with LDH-issued guidance;

Providers and wraparound facilitators are required to document all service activities in accordance with guidance issued by LDH and the CSoC contractor; and

Plan of care reviews and timelines may be extended.

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

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

Dr. Courtney N. Phillips  
Secretary

2210#060

## DECLARATION OF EMERGENCY

### Department of Health Office of Public Health Emergency Medical Services Certification Commission

#### EMS Licensing Pre-Application Eligibility Determination (LAC 46.XXXVIII.306)

The Department of Health, Emergency Medical Services Certification Commission, pursuant to the authority granted in R.S. 40:1133.4, hereby adopts the following Emergency Rule. This rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.) generally, and R.S. 49:962 specifically.

The Department of Health, Emergency Medical Services Certification Commission (EMSCC) finds it necessary to promulgate an emergency rule. This Emergency Rule is necessary to prevent imminent peril to the public health, safety, or welfare. Act 486 of the 2022 Regular Session of the Louisiana Legislature requires that certain professional licensing bodies, including the Department of Health, Office of Public Health, Bureau of Emergency Medical Services (“BEMS”), allow potential licensees to obtain a pre-application determination as to whether their past criminal convictions would prevent eventual licensing. The Act is intended to increase the number of licensees by encouraging and allowing potential applicants with criminal convictions to determine their license eligibility before seeking or attaining required degrees or education, thereby helping to reduce the current shortages in certain professions. The Emergency Medical Services field in Louisiana is currently experiencing the exact type of shortage that the Act was intended to help alleviate. The shortage in the field currently rises to the level of a potential imminent peril to the public health. In order to help immediately effectuate the intent of the Act, the Emergency Medical Services Certification Commission has determined that an emergency rule is needed. The following Emergency Rule shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

## Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXVIII. Emergency Medical Services Professionals

### Subpart 1. Rules of Procedure

#### Chapter 3. Registration and Certification

##### §306. Pre-Application Eligibility Determination

A. An individual convicted of a crime may request at any time, including before obtaining any required education or training, a determination as to whether the individual’s criminal conviction(s) disqualify the individual from licensure or certification by the Bureau of EMS (“BEMS”).

1. The individual making the request shall provide to BEMS all pertinent information and documents pertaining to the conviction(s), including any information relevant to the factors provided in La. R.S. 37:2950. Any such request shall list and include all of the individual’s convictions, regardless of jurisdiction and regardless of subsequent pardon or expungement, through the date of the request. After initial receipt of the request, BEMS may require that the individual submit additional pertinent information or documents.

2. In addition to any available facility for uploading such a request through a user account created on the BEMS website (URL:<https://ldh.la.gov/subhome/28>), the request may be made in writing and mailed to BEMS at 7273 Florida Blvd., Baton Rouge, LA 70806.

3. The individual making the request shall also provide to BEMS the individual’s pertinent identifying information, including date of birth, social security number, and driver’s license number.

4. The individual making the request shall provide a valid email address to which BEMS may send correspondence related to the request, including the determination as to whether the individual is disqualified.

5. Within 45 days after receipt of the request and all pertinent information and documents, including additional information or documents requested by BEMS pursuant to Subsection A.1. of this Section, or within 45 days of receipt by BEMS of any criminal background check provided or requested by the individual, whichever is later, BEMS shall send notification to the individual concerning whether, based on the criminal information submitted, the individual is disqualified from receiving or possessing a license from BEMS. This determination, which may be disseminated to the requesting individual by email, shall be one of the following:

a. The conviction(s) do not make the individual ineligible to be licensed (“not ineligible”). Such determinations include instances where licensing may be necessarily accompanied by concurrent initial probation, per the EMSCC deferred decision matrix or EMS Certification Commission Review Panel, unless a requested hearing before the EMS Certification Commission determines otherwise.

b. The conviction(s) make the individual presumptively ineligible to be licensed, in which case the following information shall be provided to the individual:

i. specific conviction(s) that constitute the basis for the presumptive ineligibility;

ii. reasons the conviction(s) are directly related to the license, using the factors set forth in La. R.S. 37:2950;

iii. right to submit within 60 days additional documentation or evidence relevant to each of the factors listed in La. R.S. 37:2950 concerning the conviction(s) upon which the presumptive ineligibility is based; and

iv. date of eligibility to apply or reapply for a license.

5. An individual who is informed that the conviction(s) at issue make him presumptively ineligible is entitled to a hearing (“appeal”) before the EMS Certification Commission concerning such determination.

a. Such individual shall be placed on the agenda for a formal hearing at the next regularly scheduled meeting of the EMS Certification Commission, but may decline such a hearing if s/he does not wish to proceed. If the 60-day period for providing additional documentation or evidence, as provided in Subsection A.4.b.iii of this Section, expires after the next scheduled meeting, the individual may request that the hearing be postponed until the subsequent regularly scheduled meeting.

6. A determination of “not ineligible” made pursuant to this Section is binding upon BEMS unless the individual is convicted of a subsequent crime between the inquiry period and the time of license application, has pending criminal charges at the time of license application, or has undisclosed criminal convictions not revealed at the time of inquiry.

B. The following information can be found on the BEMS website and/or on the EMS license application:

1. the process by which BEMS investigates affirmative criminal background disclosures;

2. the deferred decision matrix used by BEMS regarding the criminal history of applicants; and

3. additional details regarding the process by which potential applicants may obtain a determination regarding their license eligibility as it relates to criminal convictions.

C. When determining whether a conviction directly relates to the EMS profession, the EMS Certification Commission shall consider:

1. the nature and seriousness of the offense;

2. the nature of the specific duties and responsibilities of licensed EMTs, advanced EMTs, paramedics, and emergency medical responders.

3. the amount of time since the conviction;

4. facts relevant to the circumstances of the underlying offense, including any aggravating or mitigating circumstances, or social conditions surrounding the commission of the offense; and

5. evidence of rehabilitation or treatment undertaken by the applicant since the conviction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 48:

Interested persons may submit written comments to Susan Bailey, Director, Bureau of Emergency Medical Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. She is responsible for responding to inquiries regarding this Emergency Rule.

Ryan Brown  
Chair

2210#001

## DECLARATION OF EMERGENCY

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

#### 2022 Recreational Red Snapper Season Reopening and Bag Limit Adjustment

Louisiana’s private recreational red snapper season was previously set by the Wildlife and Fisheries Commission at its regular meeting on April 7, 2022 to be open on weekends only (Friday, Saturday, and Sunday) including the Mondays of Memorial Day, Fourth of July, and Labor Day beginning on May 27, 2022 with a 3 fish bag limit. The season closed on September 19, 2022 based on harvest estimates and projections at that time. LA Creel data indicate that there is remaining allocation that can be fished, and a re-opening is warranted.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify red snapper recreational daily harvest limits and red snapper recreational seasons if deemed necessary, the secretary hereby declares:

The season for the recreational harvest of red snapper in federal and state waters off Louisiana will re-open at 12:01 a.m. on Friday, October 7, 2022 and remain open until 11:59 p.m. on October 14, 2022 at a daily bag and possession limit of four fish per person. The size limit remains at the previously established minimum size limit of 16 inches total length.

Jack Montoucet  
Secretary

2210#012

# Rules

## RULE

### Department of Agriculture and Forestry Board of Veterinary Medicine

#### Examinations (LAC 46:LXXXV.303 and 803)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV.Chapters 1-15, regarding the licensure of veterinarians and registered veterinary technicians in the state of Louisiana. Chapter 3 of the rules amends §303.B.4.b. to afford the board greater discretion in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian in the five-year period preceding the date of application for Louisiana licensure when the passing of the national examination (NAVLE) is older than five years. Chapter 8 rewrites and renumbers the rules concerning the licensure of registered veterinary technicians. It deletes the requirement that applicants for a certificate of approval take and pass a state practical examination, adds a requirement that an applicant for a certificate of approval take and pass a state board examination, and provides for a process of the waiver of the retaking of the national examination (VTNE) where the passing score occurred more than three years before the application for a certificate of approval. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 3. Licensure Provisions

#### §303. Examinations

A. - B.4.a. ...

b. has worked as a licensed veterinarian an average of 20 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of five years immediately preceding his application.

B.5. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012), LR 40:308 (February 2014), LR 41:2151 (October 2015), amended by the Department of Agriculture and Forestry, LR 48:2546 (October 2022).

#### Chapter 8. Registered Veterinary Technicians

#### §803. Examinations

A. ...

B. A state board examination shall be required of all applicants for licensure as a registered veterinary technician in Louisiana. No person shall obtain any certificate to practice as a registered veterinary technician without

successfully passing the Louisiana state board examination. No waivers of the state board examination shall be granted.

C. A passing score on the VTNE shall be deemed to be the pass point as determined by the examining agency contracted with by the board for the formulation, administration and/or grading of the VTNE.

D. The state board examination shall consist of no fewer than 25 questions taken from the veterinary practice act statutes and rules promulgated by the board.

E. A passing score on the state board examination for veterinary technicians shall be deemed to be the correct answering of at least 70 percent of the questions on the state examination.

F. The administration of the VTNE shall be in accordance with rules, practices, policies or procedures prescribed by the AAVSB or by any person or persons with whom the AAVSB may have contracted to administer said exam. The VTNE may be administered by members of the Louisiana Board of Veterinary Medicine or any of the agents, employees, or designees of the board.

G. The state board examination for veterinary technicians may be prepared, administered, and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered, and/or graded, in whole or in part, by any person, firm corporation, or other entity selected, requested, or designated to do so by the Louisiana Board of Veterinary Medicine.

H. In order to receive a certificate to practice as a registered veterinary technician in the state of Louisiana, an applicant must pass both the VTNE and the state board examination.

I. A passing score on either required examination will be given effect for a period of three years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of three years, such applicant will thereafter be required to pass both examinations notwithstanding such applicant’s previous passing of one of the required examinations.

J. The requirement for taking the national examination (VTNE) may be waived when an applicant:

a. holds a current valid license or certificate in good standing as a registered or certified veterinary technician in another state, district, or territory of the United States; and

b. has been employed as a registered or certified veterinary technician an average of 20 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of three years immediately preceding his application.

K. An applicant for certification may only sit for the national examination a maximum of five times. Thereafter, the applicant will no longer be eligible for certification in Louisiana and any application will be rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309

(February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 48:2546 (October 2022).

Jared B. Granier  
Executive Director

2210#021

## RULE

### Department of Civil Service Civil Service Commission

#### Election of Employee Member of the State Civil Service Commission (LAC 40:XXVII.101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to directive of the Civil Service Commission at its June 8, 2022 meeting, the Department of Civil Service, on behalf of the Civil Service Commission, has amended LAC 40:XXVII.101 to allow ballots for election of the classified employee member of the Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The current Rule requires that the Civil Service director or designated representative examine each potential candidate's nominating petition upon receipt and that the potential candidate be notified via U.S. mail within 24 hours of receipt of the petition of their eligibility or ineligibility for candidacy. The Rule change allows notification of eligibility/ineligibility via U.S. mail or email by close of business on the first business day following receipt of the petition.

Other Rule changes are technical in nature to ensure consistency in terminology. This Rule is hereby adopted on the day of promulgation.

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part. XXVII. Civil Service Commission

#### Chapter 1. Public Officials and Employees

#### §101. Election of Employee Member of the State Civil Service Commission

A. - A.1. ...

2. The classified employee eligible to fill an unexpired term will take office after notification of a vacancy by the director of State Civil Service to the Secretary of State and upon certification by the Secretary of State, who shall certify in accordance with law. That employee will serve until a new regular election is conducted to elect a successor.

B. - B.1. ...

C. Nominations

1. Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name as it is to appear on the ballot, their position classification (job), the

department, agency, board or commission at which employed, their home address, their work email address (if applicable) and the last four digits of their Social Security number or any other personal identification number designated by the director of State Civil Service.

2. The nominating petition shall include the signature, printed name, last four digits of the Social Security number or any other personal identification number designated by the director of State Civil Service, and the department, agency, board or commission of each employee signing the petition.

3. The director of State Civil Service, or his designated representative, shall examine the nominating petition of each candidate on receipt, determine whether the person nominated is eligible or ineligible and that the petition is valid or invalid, and so notify the candidate of his decision by close of business on the first business day following receipt by mailing such notification to the candidate's home address or by emailing it to the work email address provided in the nomination petition.

C.4. - D.1. ...

2. Election brochures shall contain ballot instructions for voting, information about each candidate whose name appears on the ballot, in alphabetical order of their last name, and the final date for voting.

3. ...

4. Ballots and election brochures shall be emailed to every employee who is qualified to vote using the employee's official work email address as maintained by the employing agency or, for employees without a work email address or who have expressed a preference to vote via U.S. Mail, mailed to the last mailing address reported by the appointing authority to State Civil Service.

5. The director of State Civil Service shall supervise and be responsible for the election to ensure that it is conducted in accordance with the requirements of R.S. 42:1351 through 1360.

6. Voting may be conducted electronically or by U.S. mail. Electronic means shall be via telephone, via Internet or by any other acceptable electronic means.

7. ...

8. The director of State Civil Service may contract with a vendor to conduct the election under the director's supervision.

E. Report of Results

1. The director of State Civil Service shall provide a written report of certified election results to the State Civil Service Commission and the Secretary of State.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1357(B).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Civil Service Commission, LR 24:2077 (November 1998), amended LR 30:2444 (November 2004), LR 48:2548 (October 2022).

Byron P. Decoteau, Jr.  
Director

2210#045

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 135—Health and Safety  
(LAC 28:CLVII.303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLVII in *Bulletin 135—Health and Safety*. The revisions align policy with the requirements in Louisiana Revised Statute 17:170.4 as amended by Act 196 of the 2018 Regular Legislative Session requiring that certain information regarding student exemptions be included with information disseminated by schools related to meningococcal disease and the available vaccination. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part CLVII. Bulletin 135—Health and Safety**

**Chapter 3. Health**

**§303. Immunizations**

A. - F. ...

G. Meningococcal Disease; Information; Immunization

1. LEAs that provide information relative to immunizations are required to provide parents and/or guardians with information relative to the risks associated with meningococcal disease. The information shall include the availability, effectiveness and known contraindications of immunization against this disease, causes and symptoms of the disease, how the disease is spread, and places where a student may be immunized and where parents may obtain additional information. Information shall be updated annually if new information is available. The information shall also include notice that the student may be exempt from compliance with this Subsection under the conditions set forth in Paragraph 5 of this Subsection.

G.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022).

Shan N. Davis  
Executive Director

2210#047

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 137—Louisiana Early Learning Center  
Licensing Regulations (LAC 28:CLXI.1903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The revisions clarify for child care providers the allowance and requirements for minimum usable indoor space per child.

Revisions ensure the health and safety of children by requiring the center request and receive approval from the Department of Education licensing division and the Office of State Fire Marshal when a minimum of 25 square feet of usable space per child is allocated in spaces specified for use by children four years old and above. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

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

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

**§1903. Physical Environment**

A. - C. ...

D. Indoor Space

1. A minimum of 35 square feet of usable indoor space shall be available per child.

a. Effective June 1, 2022, a center may request approval from the Office of State Fire Marshal and the LDE, that for children ages four and above, a minimum of 25 square feet of usable indoor space shall be available per child in the specified space for four year old and above use only.

b. The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children.

D.2. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:637 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, effective March 1, 2018, LR 47:1278 (September 2021), LR 48:2549 (October 2022).

Shan N. Davis  
Executive Director

2210#048

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and Development  
Fund Programs (LAC 28:CLXV.902 and 903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV, *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The revisions repeal and reestablish existing policy to provide reorganization that clarifies and aligns early childhood tracks for early learning centers and family child care providers participating in LA Pathways, and updates definitions. Further, the revisions provide a Family Child Care Staff Track for home-based, family child care providers who opt into Academic Approval and participate in the unified quality rating system and

related initiatives. This track will provide the requirements for each level associated with the School Readiness Tax Credits for family child care staff and would incentivize provider participation in the quality rating system, as the tax credits currently incentivize Type III providers. The revision will also ensure that family child care staff and early learning center staff requirements are aligned across all tax credit levels and meet requirements for the purpose of the School Readiness Tax Credit for directors and staff. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs**  
**Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)**

**§902. Definitions**

\* \* \*

*Classroom Track for LA Pathways*—professional career ladder registry designed for classroom staff within early learning centers that recognizes individuals based on the educational attainment and commitment to the field.

\* \* \*

*Family Child Care Staff Track for LA Pathways*—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR 48:1008 (April 2022), LR 48:2550 (October 2022).

**§903. Participation in LA Pathways**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), repealed LR 48:2550 (October 2022).

**§903. Participation in LA Pathways**

A. An individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA pathways.

B. An individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA Pathways.

C. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the LDE. Participation is voluntary.

D. The state superintendent of education, pursuant to authority delegated by BESE, may waive compliance with a requirement in this Chapter when the superintendent determines that the economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and children are not

imperiled. When the individual has been determined to have met or exceeded the intent of a requirement, the requirement may be deemed met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

E. Training, Education, Experience, and Professional Activity Requirements for the Administrator Track for LA Pathways through December 31, 2017

1. Assistant Director I—annual training as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Assistant Director II—60 clock hours in approved core knowledge CDA subject areas including 6 hours in regulations; minimum of six months experience; and encouraged to participate in an early childhood professional organization.

3. Assistant Director III—90 clock hours in approved core knowledge CDA subject areas including 15 hours in approved administrative training categories; minimum of one year experience; and encouraged to participate in an early childhood professional organization.

4. Director—training and experience as required by early learning center licensing regulations in LAC 28:CLXV.139; and encouraged to participate in an early childhood professional organization.

5. Director I—CDA credential or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associate degree, or 30 hours toward associate degree with four college courses in early childhood/child development; minimum one year of experience; and membership in an early childhood professional organization.

6. Director II—CDA credential or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, or related bachelor's degree with three college courses in early childhood/child development; minimum 18 months experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

7. Director III—administrator certificate; and CDA credential or approved early childhood diplomas, associate degree in early childhood/child development, bachelor's degree in early childhood/child development of which three courses focus on infants and toddlers, or related bachelor's degree with six college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum two years of experience, and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

8. Director IV—administrator certificate; and master's degree in early childhood/child development or early childhood administration of which three courses focus on infants and toddlers, or related master's degree with eight

college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum of two years of experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

9. In order to receive an administrator certificate, 75 clock hours of instruction in approved administrative training categories are required. Two college courses in approved administration can be substituted for the administrator certificate.

F. Training, Education, and Professional Activity Requirements for the Administrator Track for LA Pathways beginning January 1, 2018

1. Director I—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associated degree, or 30 hours in early childhood or child development; and membership in an early childhood professional organization.

2. Director II—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, related bachelor's degree with three college courses in early childhood/child development, or meets other director qualifications in LAX 28:CLXV.130 and has been a director for at least one year at an early learning center with a 3-star quality rating on July 1 of the calendar year in which credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

3. Director III—CDA credential and administrator certificate, early childhood ancillary certification or approved early childhood diplomas and administrator certificate, associate degree in child development/early childhood and administrator certificate, bachelor's degree in early childhood/child development and administrator certificate, related bachelor's degree with six college courses in early childhood or child development and administrator certificate, or meets director qualifications in LAC 28:CLXV.139 and has been a director for at least one year of an early learning center with a 4-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

4. Director IV—master's degree in early childhood/child development/early childhood administration and administrator certificate, or related master's degree with eight college courses in early childhood/child development and administrator certificate, or meets director qualification

in LAC 28:CLXV.139 and has been the director for at least one year at an early learning center with a 5-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

G. Training, Education, Experience, and Professional Activity Requirements for the Early Learning Center Classroom Track for LA Pathways through December 31, 2017

1. Staff I—as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Staff II—12 clock hours of instruction in approved core knowledge CDA subject areas; minimum six months of experience; and encouraged to participate in early childhood professional organization.

3. Staff III—30 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

4. Staff IV—60 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year experience; and encouraged to participate in early childhood professional organization.

5. Assistant Teacher I—90 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

6. Assistant Teacher II—120 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

7. Teacher I—CDA credential or approved early childhood diploma; minimum one year of experience; and encouraged to participate in early childhood professional organization.

8. Teacher II—CDA credential or approved early childhood diploma; and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, or related associate degree; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

9. Teacher III—associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor's degree in early childhood or child development, or related bachelor's degree with three college courses in early childhood/child development; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

10. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers, or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

11. Master Teacher—graduate degree in early childhood/child development, or unrelated graduate degree with four early childhood/child development college courses; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

H. Training and education requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2018 through December 31, 2018:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential, approved early childhood diploma and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, related associate degree, or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associate degree with four college courses in early childhood/child development; or bachelor’s degree in early childhood/child development; or related bachelor’s degree with three college courses in early childhood/child development; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2017, with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2016, with demonstrated evidence of eligibility for the staff school readiness tax credit in 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree with four early childhood/child development college courses.

I. Training and Education Requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2019:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential or approved early childhood diploma and nine CEUs or two early childhood courses; or 30 hours toward associate degree with four college courses in early childhood/child development; or related associate degree; or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associated degree with four college courses in early childhood/child development; or bachelor’s degree in early childhood/child development; or related bachelor’s degree with three college courses in early childhood/child development; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least two prior years beginning with 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree with four early childhood or child development college courses.

J. In order to maintain eligibility for the family child care staff track, family care providers must be registered, have current certification for CCAP issued by LDE in compliance with this Part, and participate full-time in CCAP.

K. Training and Education Requirements for the Family Child Care staff track beginning July 1, 2022:

1. Staff—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma, or CCAP certification as a family child care provider for at least one year within the three years priors to the current tax year, which can only be used for a period not to exceed two years.

3. Teacher II—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma and nine CEUs or two early childhood college courses, or 30 hours towards associate degree with four college courses in early childhood/child development, or related associate degree, or early childhood ancillary certificate, or certificate of academic approval of a 3-star quality rated family care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

4. Teacher III—maintain academic approval for 6 months in the tax year; and either of an associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor’s degree in early child/child development, related bachelor’s degree with three college courses in early childhood/child development, early childhood ancillary certificate and eligibility for staff school readiness tax credit for at least one prior year, or certificate of academic approval of a 4-star quality rated family child

care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

5. Teacher IV—maintain academic approval for 6 months in the tax year; and either of a bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers, related bachelor’s degree with six early childhood/child development college courses of which three must focus on infant and toddlers, early childhood ancillary certificate with eligibility for staff school readiness tax credit for at least two prior years, or certificate of academic approval of a 5-star quality rated family child care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

6. Master Teacher—graduate degree in early childhood/child development or unrelated graduate degree with four early childhood/child development college courses.

L. Qualification for the School Readiness Tax Credit (SRTC) for Child Care Facility Directors and Staff.

1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the SRTC.

2. Child Care Facility Director Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

- a. Director I, Level I;
- b. Director II, Level II;
- c. Director III, Level III; and
- d. Director IV, Level IV.

3. Child Care Facility Staff Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

- a. Teacher I, Level I;
- b. Teacher II, Level II;
- c. Teacher III, Level III; and
- d. Teacher IV or Master Teacher, Level IV.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2550 (October 2022).

Shan N. Davis  
Executive Director

2210#049

## RULE

### Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators  
(LAC 28:LXXIX.303 and 3303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXXIX in Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School*

*Administrators*. The aforementioned revisions align policy regarding accreditation of educational institutions and programs in accordance with federal regulations in 34 CFR 602 and BESE policy in *Bulletins 741 and 746*. This Rule is hereby adopted on the day of promulgation.

## TITLE 28

### EDUCATION

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

#### Chapter 3. Certification of Personnel

#### §303. Instructional Staff

A. - 2. ...

a. have a bachelor's degree from an institution accredited in accordance with 34 CFR 602;

b. - 3.a. ...

B. A teacher may teach in areas other than the major field for a period of time that is less than one-half of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in trade and industrial education classes.) These teachers must hold a degree from an institution accredited in accordance with 34 CFR 602 and have earned 12 semester hours of professional education courses.

B.1. - I.4. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3075 (December 2005), LR 32:1417 (August 2006), LR 32:2237 (December 2006), LR 34:229 (February 2008), LR 34:609 (April 2008), LR 39:1440 (June 2013), LR 45:1055 (August 2019), LR 48:2553 (October 2022).

#### §3303. Definitions

*Academically Able Student*—a student who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508—*Pupil Appraisal Handbook*, the Student Services Plan Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

*Accommodation*—any technique that alters the academic setting or environment. An accommodation generally does not change the information or amount of information learned. It enables students to show more accurately what they actually know.

*Accredited* (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

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*Equivalent Major*—the number of credit hours awarded from a college or university accredited in accordance with 34 CFR 602 to meet the required content hours needed to teach in a core content area.

\*\*\*

*Qualified Teacher*—a teacher is considered qualified to teach in nonpublic schools if all of the following criteria are met:

1. has a bachelor's degree from an institution accredited in accordance with 34 CFR 602;
2. has a college major or the equivalent in the area of his/her teaching assignment; and
3. has earned 12 semester hours of Knowledge of the Learner and the Learning Environment.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:230 (February 2008), amended LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 39:1457 (June 2013), LR 41:1486 (August 2015), LR 46:1675 (December 2020), LR 48:2553 (October 2022).

Shan N. Davis  
Executive Director

2210#050

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
(LAC 28:CXXXI.303, 507, 515, 1305,  
1307, 1309, 1323, 1327, 1329, and 2309)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXXXI, Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The revisions comply with Louisiana Revised Statute 17:24.9.C as enacted by Act 438 of the 2021 Regular Legislative Session, which requires that BESE revise teacher certification requirements no later than July 31, 2022, to require foundational literacy skills standards. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

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

#### Chapter 3. Initial Teacher Certification

#### Subchapter B. Testing Required for Certification Areas

#### §303. Certification Exams and Scores

A. - E. ...

\* \* \*

F. Reading Exams

Name of Test	Area Test Score
Teaching Reading Exam (0204 or 5204) Effective 9/1/2011 – 7/31/2020	157
Teaching Reading Exam (0206 or 5206) Effective 9/1/2019-12/31/2023	156
Teaching Reading Exam (5205) Effective 1/1/2023	159

F.1. - G. ...

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2554 (October 2022).

### Chapter 5. Teaching Credentials, Licenses and Certifications

#### Subchapter A. Standard Teaching Certificates

#### §507. Professional Level Certificates

A. - A.1.a.iv. ...

v. Beginning with the 2024 school year and beyond, successfully complete a state-approved traditional or alternate teacher preparation program:

(a). for alternate preparation completers, the applicant must receive mentoring by a school-based mentor teacher in accordance with §553 of this Chapter;

vi. have a minimum 2.50 undergraduate grade point average (GPA) on a 4.00 scale;

(a). an applicant who does not meet the GPA requirement may be certified by meeting the following requirements in an alternate teacher preparation program:

(i). satisfactorily complete a personal interview by the program admissions officer;

(ii). if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;

(iii). if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

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

vii. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam(s) required for the area(s) of certification as specified in §303 of this Part; and the specialty area content exam in the certification area in which the teacher preparation program was completed or in the area of initial certificate, in accordance with §303. of this Part;

viii. complete minimum number of semester hours in the teaching of reading and literacy as follows:

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

(b). six semester hours for certification in middle grades 4-8 or general-special education mild/moderate 4-8;

(c). three semester hours for certification in secondary 6-12, all-level K-12, or general-special education mild/moderate 6-12 programs; and

(d). nine semester hours for certification in special education areas of early interventionist, hearing impaired, significant disabilities, or visually impaired;

(e). alternate preparation completers are required to:

(i). complete the same number of semester hours as is required for undergraduate completers; or

(ii). in lieu of semester hours, pass the adopted Teaching of Reading exam; or

(iii). complete the BESE-approved literacy foundations training; and

ix. be recommended by a state-approved university or private program provider for certification.

A.1.b. - D.2.a. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022).

### §515. Practitioner Licenses

A. - A.7.c.iv. ...

d. demonstrate proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in LAC 28:XLV (Bulletin 996) or completing the BESE-approved literacy foundations training or passing a reading competency assessment noting that the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam, and middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted; and

A.7.e. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:2555 (October 2022).

## Chapter 13. Regular Education Level and Area Endorsements

### §1305. Requirements to add Birth to Kindergarten

A. Individuals holding a valid early childhood certificate for PK-K, PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must achieve one of the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

2. 12 semester hours of combined early childhood and kindergarten coursework; and

3. complete nine semester hours in the teaching of reading and literacy in alignment with the literacy foundations competencies.

B. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022).

### §1307. Requirements to add Early Childhood (Grades PK-3)

A. Individuals holding a valid elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8 must achieve one of the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

2. 12 semester hours of combined early childhood and kindergarten coursework; and

3. complete nine semester hours in the teaching of reading and literacy in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.4. ...

5. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

6. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

C. - C.2. ...

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

D. - D.1. ...

2. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

3. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022).

### §1309. Requirements to add Elementary (Grades 1-5)

A. - A.2. ...

3. earn nine semester hours of reading in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.3. ...

4. earn nine semester hours of reading in alignment with the literacy foundations competencies.

5. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours

or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1064 (April 2022), LR 48:2555 (October 2022).

### **§1323. Requirements to add Early Interventionist Birth to Five Years**

A. - A.2.f. ...

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022).

### **§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010**

A. - A.1.f. ...

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications; and

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.1.f. ...

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543), Principles of Learning and Teaching (PLT): K-6, and Elementary Education: Content Knowledge Exam (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); and

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

C. - C.2.b.ii. ...

iii. Secondary Core Content Exam(s); and

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

D. - D.2.b.ii. ...

iii. Secondary Core Content Exam(s);

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

E. - E.2.a.(iii). ...

b. Mild/Moderate (6-12)—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) and Secondary Content Exam(s); and

3. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:458 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022).

### **§1329. Requirements to add Significant Disabilities 1-12**

A. - A.2. ...

3. passing score for Praxis exams—Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545); and

4. earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

B. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR: 48:460 (March 2022), repromulgated LR 48:1069 (April 2022), LR 48:2556 (October 2022).

## **Chapter 23. Approved Courses to Reinstate Lapsed Certificates**

### **§2309. Early Childhood (PK, K, PK-3)**

A. - A.9. ...

10. technology in the classroom;

11. teaching in an inclusive setting; and

12. approved literacy foundations training.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:477 (March 2022), repromulgated LR 48:1085 (April 2022), LR 48:2556 (October 2022).

Shan N. Davis  
Executive Director

2210#053

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification  
of School Personnel—Appeal Process  
(LAC 28:CXXXI.1703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions allow additional time from time of denial of an educator credential for an applicant to appeal by increasing from 90 days to 120 days. Additionally, revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

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

#### Chapter 17. Certification Appeal Process

#### §1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal to be considered by the TCAC. The following restrictions apply:

1. An appeal cannot be initiated until:
  - a. an applicant has submitted a complete certification application to the LDE;
  - b. the application is reviewed by a certification specialist; and
  - c. the applicant is notified the requested certification is denied.
2. An appeal application is received by the certification office within 120 days from the date that the certification request was denied.
3. Appeals will not be considered for individuals who:
  - a. lack exam requirements for initial certification;
  - b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
  - c. lack reading requirements per R.S. 17:7.1(A)(4)(a);
  - d. lack 50 percent or more of courses or preparation program requirements required for certification;
  - e. lack a degree from a college or university accredited in accordance with 34 CFR 602; or
  - f. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902 and have not provided evidence from the local board that justifies the issuance of a certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:2557 (October 2022).

Shan N. Davis  
Executive Director

2210#051

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification  
of School Personnel—Teacher Certification  
(LAC 28:CXXXI.1703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions allow additional time from time of denial of an educator credential for an applicant to appeal by increasing from 90 days to 120 days. Additionally, revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

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

#### Chapter 17. Certification Appeal Process

#### §1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal to be considered by the TCAC. The following restrictions apply:

1. An appeal cannot be initiated until:
  - a. an applicant has submitted a complete certification application to the LDE;
  - b. the application is reviewed by a certification specialist; and
  - c. the applicant is notified the requested certification is denied.
2. An appeal application is received by the certification office within 120 days from the date that the certification request was denied.
3. Appeals will not be considered for individuals who:
  - a. lack exam requirements for initial certification;
  - b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
  - c. lack reading requirements per R.S. 17:7.1(A)(4)(a);
  - d. lack 50 percent or more of courses or preparation program requirements required for certification;

e. lack a degree from a college or university accredited in accordance with 34 CFR 602; or

f. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902 and have not provided evidence from the local board that justifies the issuance of a certificate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:2557 (October 2022).

Shan N. Davis  
Executive Director

2210#052

## RULE

### Board of Elementary and Secondary Education

Emergency Contracting Process  
(LAC 28:I.103, 305, 501, and 1103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:I, BESE Code. The revisions provide for revisions to the emergency contracting process, as recommended by the Legislative Auditor. This Rule is hereby adopted on the day of promulgation.

## Title 28

### EDUCATION

#### Part I. BESE/8(g) Operations

##### Subpart 1. Board of Elementary and Secondary Education

##### Chapter 1. General Provisions

##### §103. Definitions

\*\*\*

*Louisiana Department of Education* or *LDE*—the Louisiana Department of Education, the administrative arm of the Board of Elementary and Secondary Education.

*RSD*—the Recovery School District.

*Senate*—the Louisiana Senate.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), amended LR 38:3149 (December 2012), LR 48:410 (March 2022), LR 48:2558 (October 2022).

##### Chapter 3. Composition and General Authority

##### §305. Election of Officers and Their Duties

A. ...

B. The president shall conduct board meetings and perform duties designated by the board or by statute. The president shall appoint members of committees of the board. The president shall sign, on behalf of the board, contracts, agreements, and/or official documents approved by the board. The president is authorized to make ad hoc decisions for the board in emergency situations when the board is not

in regular or special session and where policies and statutes are silent. However, excluding emergency contract approval outlined in §1103.C.4 of this Part, any such decisions that constitute an obligation, official position, or action of the board are subject to ratification by the board at the next scheduled meeting.

1. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for action by the board that cannot be met through normal board procedures and the lack of which would seriously threaten:

- a. the functioning of Louisiana government;
- b. the preservation or protection of property; or
- c. the health or safety of any person.

2. In the event there is an emergency situation, as defined in applicable law and BESE policy, or when the board is not in regular or special session, the president, upon signature, may make a decision on behalf of the board, upon the receipt of a written memorandum from the state superintendent or his/her designee, setting forth the request for action.

a. The state superintendent or his/her designee shall forward the request to the BESE executive director to include the following:

- i. the reason for the request;
- ii. a description of the services to be provided;

and

- iii. any necessary backup documentation to support the request.

b. The emergency decision shall be communicated electronically by the executive director, to the extent possible, including all of the aforementioned information, to all board members within 24 hours of action, as well as presented at its next meeting for ratification.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3 and R.S. 17:22.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), amended LR 38:3149 (December 2012), LR 39:3262 (December 2013), LR 48:2558 (October 2022).

##### Chapter 5. Organization

##### §501. Committees

A. - B.3.a.i. ...

- (a). policy concepts;
- (b). certification revocations;
- (c). records reviews for certification denial or

revocation in accordance with LAC 28:CXXXI.Chapter 19, Bulletin 746;

B.3.a.ii. - 4.b.i. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:1443 (October 2019), LR 48:412 (March 2022), LR 48:2558 (October 2022).

**Chapter 11 Finance and Property**  
**§1103. Purchasing, Auditing, and Contracts for Professional/Consulting/Social Services**

A. - B.3. ...

C. Authority and Delegation for contracts for Professional/Consulting/Social Services

1. Entities under the jurisdiction of the board shall negotiate all contracts for professional/consulting/social services in accordance with all applicable federal and state laws and in accordance with all applicable federal and state rules and regulations and board policy.

2. The state superintendent may negotiate and approve contracts for professional/consulting/social services in the amount of \$50,000 or less and shall issue a report for receipt by the board on all contracts approved. Contracts in the amount of \$50,000 or less, approved via the authority of the state superintendent, cannot be amended under this same authority, such that the original contract and subsequent amendments result in an overall amount of greater than \$50,000, unless approved by the board, or the board president and chairman of finance via emergency authority.

3. The state superintendent shall recommend to the board for approval all contracts negotiated by the LDE and/or RSD in accordance with board policy for professional/consulting/social services over \$50,000. BESE approval and signature of the board president shall be obtained prior to execution and/or payment of contracts greater than \$50,000.

4. In the event of a suspension of any provisions of the Louisiana Procurement Code or of any provision of the corresponding rules and regulations, BESE approval shall be required as provided in Subparagraphs 2 and 3 of this subsection, unless those provisions are also suspended.

a. The request shall be forwarded to the BESE executive director to include the following:

- i. the reason for the request, the name of the contractor/recipient, the amount of the contract/allocation;
- ii. the contract/allocation period; and
- iii. a description of the services to be provided.

b. The emergency approval shall be communicated, to the extent possible, electronically, including all of the aforementioned information, to all board members within 24 hours of approval, as well as presented at its next meeting.

c. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- i. the functioning of Louisiana government;
- ii. the preservation or protection of property; or
- iii. the health or safety of any person.

d. The state superintendent shall require that a record be created of all emergency declarations by making a written determination stating the basis for an emergency procurement, in addition to BESE emergency approval, as

well as the selection of a particular contractor/recipient. In addition to the written determination describing the basis for the emergency procurement and issuance, the record shall also contain:

- i. each contractor's/recipient's name;
- ii. the amount and type of each contract/recipient; and
- iii. a listing of services procured under each contract or allocated to each recipient; and
- iv. the written memorandum from the state superintendent of education or his designee setting forth the request for BESE approval, the reason for the request, the name of the contractor, the amount of the contract, the contract period, and a description of the services to be provided.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 48:2559 (October 2022).

Shan N. Davis  
Executive Director

2210#055

**RULE**

**Board of Elementary and Secondary Education**

**Graduation Requirements**

(LAC 28:XI.6821; XXIX.2111; CXV.2318 and 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI, Subpart 3, *Bulletin 118—Statewide Assessment Standards and Practices*, LAC 28:XXV, *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:LXXIX, *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions relate to the availability of flexibility of graduation requirements for high school seniors enrolled during the spring 2022 semester and scheduled to graduate by August 31, 2022. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part XI. Bulletin 118—The Louisiana School, District, and State Accountability System**

**Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices**

**Chapter 68. LEAP 2025 Assessments for High School §6821. High School Test Cohorts**

**[Formerly LAC 28:CXI.1821]**

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the

LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments.

a. - d.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021), LR 48:2559 (October 2022).

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators**  
**Chapter 21. Curriculum and Instruction**  
**§2111. State Diploma**

A. - B.2. ...

3. For high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

a. an ACT composite score of 17 or higher for all students; or

b. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

c. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

i. the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

d. for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005), LR 36:1498 (July 2010), LR 39:1446 (June 2013), LR 48:38 (January 2022), LR 48:2560 (October 2022).

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

**Chapter 23. Curriculum and Instruction**  
**§2318. The TOPS University Diploma**

A. - B.3. ...

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

B.3.a.i. - D.3 ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), LR 48:2560 (October 2022).

**§2319. The Career Diploma**

A. - B.3. ...

a. For high school seniors graduating during the 2020-2021 and 2021-2022 academic years, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

B.3.a.i. - C.4. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014),

LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48: 1093 (April 2022), LR 48:2560 (October 2022).

## RULE

### Office of the Governor Office of Financial Institutions

#### Virtual Currency Business Activity (LAC 10:I.1901-1937)

Shan N. Davis  
Executive Director

2210#054

## RULE

### Tuition Trust Authority Office of Student Financial Assistance

#### START Saving Program (LAC 28:VI.315)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). (ST22204R). This Rule is hereby adopted on the day of promulgation.

## Title 28

### EDUCATION

#### Part VI. Student Financial Assistance—Higher Education Savings

##### Chapter 3. Education Savings Account

##### §315. Miscellaneous Provisions

A. - B.44. ...

45. For the year ending December 31, 2021, the Louisiana Education Tuition and Savings Fund earned an interest rate of 0.97 percent.

46. For the year ending December 31, 2021, the Savings Enhancement Fund earned an interest rate of 1.84 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:1082 (July 2016), LR 42:1658 (October 2016), LR 43:1731 (September 2017), LR 44:1888 (October 2018), LR 45:1177 (September 2019), LR 46:1223 (September 2020), LR 47:1495 (October 2021), LR 48:2561 (October 2022).

Robyn Rhea Lively  
Senior Attorney

2210#020

The Office of Financial Institutions (OFI) has enacted LAC 10:I.1901-1937 relative to licensure, registration, and regulation of those persons engaging, or planning to engage, in virtual currency business activity in the state of Louisiana pursuant to the Virtual Currency Businesses Act, (VCBA), R.S. 6:1381, et seq., as enacted by Act 341 of the 2020 Regular Session of the Louisiana Legislature. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and is intended to provide clear and concise guidance that will allow for the implementation and enforcement of the provisions of the VCBA as required under R.S. 6:1394.

The Rule will enable OFI to achieve its regulatory goals and objectives regarding proper supervision and oversight of such persons included within the scope of the VCBA in a manner that is not overly complex, costly, or burdensome. In doing so, OFI hopes to create new efficiencies and improve the overall effectiveness of its supervisory program over such persons included within the scope of the VCBA. OFI also implements the necessary fee structure in order to cover the cost of regulating and supervising such persons included within the scope of the VCBA. Such fees are necessary in order for the OFI to effectively discharge its duties and responsibilities over these regulated persons and ensure compliance with the VCBA, and allow for the licensure and registration of those persons in accordance with the provisions of the VCBA. This Rule is hereby adopted on the day of promulgation.

## Title 10

### FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

#### Part XV. Other Regulated Entities

##### Chapter 19. Virtual Currency

##### §1901. Definitions

A. In addition to the definitions provided in Section 1382 of the Virtual Currency Businesses Act, (“VCBA”), R.S. 6:1381 et seq., as enacted by Act 341 of the 2020 Regular Session of the Louisiana Legislature, the following definitions are applicable to this Chapter:

*Acting in Concert*—persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

*Commissioner*—the commissioner of the office of financial institutions.

*Control*—also includes, but is not limited to the following:

a. any and all circumstances inherent within the scope of section 1382(2) of the VCBA;

b. the power to vote, directly or indirectly, at least 25 percent of outstanding voting shares or voting interests of a licensee or person in control of a licensee, including persons acting in concert in such instances;

c. the power to elect or appoint a majority of key individuals of a licensee;

d. the power to exercise directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

e. any other set of facts and circumstances, as determined by the commissioner in his discretion, that may constitute control.

*Nationwide Multistate Licensing System and Registry (NMLS)*—the multistate system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

*Net Worth*—the difference between total business assets and total business liabilities, after deducting estimated income taxes on the differences between the estimated current values of business assets and the current amounts of business liabilities and their tax bases.

*Tangible Net Worth*—includes all business assets minus liabilities minus intangible assets (goodwill and other intangible assets, such as favorable leasehold rights, trademarks, trade names, internet domain names, and non-compete agreements.)

*Unfair or Deceptive Act or Practice*—failure to provide any disclosure or disclosures required by Subsection 1931(C) of this rule shall be an unfair or deceptive act or practice for purposes of taking enforcement action against a licensee, registrant, or person that is neither a licensee nor registrant but is engaging in virtual currency business activity or activities, pursuant to R.S. 6:1393(3) (b).

*Unsafe or Unsound Act or Practice*—includes, but is not limited to, a practice or conduct by a person licensed or registered to engage in virtual currency business activity or activities in Louisiana which creates the likelihood of material loss, insolvency, dissipation of the licensee's or registrant's assets, materially prejudices the interests of its customers, and any other set of facts and circumstances, as determined by the commissioner in his discretion, that may constitute an unsafe or unsound act or practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1391, R.S. 6:1392, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2561 (October 2022).

### §1903. Implementation

A. In order to carry out the purposes of the VCBA, the commissioner may:

1. enter into agreements or relationships with other government officials or federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing records or related information obtained under the VCBA;

2. use, hire, contract, or employ analytical systems, methods, or software in examinations or investigations pursuant to the VCBA;

3. consider, accept, and rely upon licensing, examination, or investigative reports prepared by other government agencies or officials, within or outside the state of Louisiana;

4. consider, accept, and rely upon audit reports prepared by an independent certified public accountant or other qualified third-party auditor for any person subject to the VCBA and incorporate all, or part of such audit reports, in the department's report of examination or investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1383, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1391, R.S. 6:1392, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2562 (October 2022).

### §1905. Application for License or Notice of Registration—Transitional Period

A. A person already engaged in virtual currency business activity or activities in Louisiana must either apply for a license in accordance with section 1385 of the VCBA or file a notice of registration in accordance with section 1389 of the VCBA and submit a completed application within 90 days of the effective date of this rule. In doing so, such applicant shall be deemed to be in compliance with the licensure requirements of section 1385 of the VCBA or the registration requirements of section 1389 of the VCBA until the applicant has been notified by the commissioner that its application has been denied, in which case it shall immediately cease operating in Louisiana and doing business with residents of Louisiana. Any person engaged in virtual currency business activity that fails to submit a completed application for a license or notice of registration within 90 days of the effective date of this regulation shall be deemed to be conducting unlicensed or unregistered virtual currency business activity or activities and shall be subject to any and all civil and criminal penalties provided by applicable laws and regulations, including but not limited to, the provisions of the VCBA.

B. For purposes of applications for a license or notice of registration submitted pursuant to this Section, no applicant shall be required to submit an application for renewal of any license or notice of registration before November 1, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1383, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2562 (October 2022).

### §1907. Approval of Control Person

A. In applying for a license issued in accordance with the VCBA to engage in virtual currency business in Louisiana, the applicant or licensee shall provide the following information to the commissioner through the NMLS:

1. the legal name, any former or fictitious name, and the residential and business United States Postal Service address of the applicant's or licensee's proposed executive officers, responsible individuals, and the proposed person or persons who will be in control of the applicant or licensee;

2. a list of any criminal conviction, deferred prosecution agreement, or pending criminal proceeding in any jurisdiction against the applicant's or licensee's proposed executive officers, responsible individuals, and proposed person or persons who will be in control of the applicant or licensee;

3. a list of any bankruptcy or receivership proceeding in any jurisdiction for the ten years before the application is submitted in which the applicant's or licensee's proposed

executive officers, responsible individuals, and proposed person or persons who will be in control of the applicant or licensee was a debtor;

4. a list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant or licensee, or an executive officer or a responsible individual of the applicant or licensee, or proposed person or persons who will be in control, has been a party for the five years before the application is submitted, determined to be material in accordance with generally accepted accounting principles and to the extent the applicant would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's or licensee's audited financial statements, reports to equity owners, and similar statements or reports;

5. if a person has control of the applicant or licensee and the person's equity interests are publicly traded in the United States, a copy of the audited financial statement of the person for the most recent fiscal year or most recent report of the person filed pursuant to 15 U.S.C. 78;

6. if a person has control of the applicant or licensee and the person's equity interests are publicly traded outside the United States, a copy of the audited financial statement of the person for the most recent fiscal year of the person or a copy of the most recent documentation similar to that required in Paragraph A.5 of this Section filed with the foreign regulator in the domicile of the person;

7. a set of fingerprints for each executive officer and responsible individual of the applicant or licensee, or proposed person or persons who will be in control, for submission to the federal bureau of investigation and the commissioner for purposes of a national and state criminal background check;

8. a copy of the certificate, or a detailed summary acceptable to the department, of coverage for each liability, casualty, business-interruption, or cyber-security insurance policy maintained by the applicant or licensee for itself, an executive officer, a responsible individual, or the applicant's or licensee's users;

9. if available, for each executive officer and responsible individual of the applicant or licensee, for the five years before any application is submitted, the employment history of the individual; and

10. if available, for each executive officer and responsible individual of the applicant or licensee or proposed person or persons who will be in control, for the five years before any application is submitted, a history of any investigation of the individual or person, or legal proceeding to which the individual or person was a party.

B. For purposes of this Section, *control*, *executive officer*, and *responsible individual* shall be defined by R.S. 6:1382 and section 1901 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2562 (October 2022).

### **§1909. Approval of Change of Control**

A. Not less than 60 calendar days before any proposed change of control of an existing license issued in accordance with the VCBA, the licensee shall provide the following information to the commissioner through the NMLS:

1. written notice of any proposed change or changes of control of the licensee;

2. the legal name, any former or fictitious name, and the residential and business United States Postal Service address of any proposed executive officers, responsible individuals, and the proposed person or persons who will be in control of the licensee;

3. a list of any criminal conviction, deferred prosecution agreement, or pending criminal proceeding in any jurisdiction against the licensee's proposed executive officers, responsible individuals, and proposed person or persons who will be in control of the licensee;

4. a list of any bankruptcy or receivership proceeding in any jurisdiction for the 10 years before the application is submitted in which the licensee's proposed executive officers, responsible individuals, and proposed person or persons who will be in control of the licensee was a debtor;

5. a list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant or licensee, or an executive officer or a responsible individual of the licensee, has been a party for the five years before the application is submitted, determined to be material in accordance with generally accepted accounting principles and to the extent the licensee would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's or licensee's audited financial statements, reports to equity owners, and similar statements or reports;

6. if a person has control of the licensee and the person's equity interests are publicly traded in the United States, a copy of the audited financial statement of the person for the most recent fiscal year or most recent report of the person filed pursuant to 15 U.S.C. 78;

7. if a person has control of the licensee and the person's equity interests are publicly traded outside the United States, a copy of the audited financial statement of the person for the most recent fiscal year of the person or a copy of the most recent documentation similar to that required in Paragraph A.6 of this Section filed with the foreign regulator in the domicile of the person;

8. a set of fingerprints for each executive officer and responsible individual of the licensee, or proposed person or persons who will be in control, for submission to the federal bureau of investigation and the commissioner for purposes of a national and state criminal background check;

9. a copy of the certificate, or a detailed summary acceptable to the department, of coverage for each liability, casualty, business-interruption, or cyber-security insurance policy maintained by the licensee for itself, an executive officer, a responsible individual, or the licensee's users;

10. if available, for each executive officer and responsible individual of the applicant or licensee, for the five years before any application is submitted, the employment history of the individual; and

11. if available, for each executive officer and responsible individual of the applicant or licensee or proposed person or persons who will be in control, for the five years before any application is submitted, a history of any investigation of the individual or person, or legal proceeding to which the individual or person was a party.

B. Not less than 30 calendar days prior to the date on which any proposed change or changes of control persons

will take place, the licensee shall provide written notice of the proposed change or changes to the commissioner.

C. For purposes of this Section, *control*, *executive officer*, and *responsible individual* shall be defined by R.S. 6:1382 and Section 1901 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2563 (October 2022).

### **§1913. Renewal of License or Notice of Registration**

A. Any application for renewal of a license or notice of registration issued pursuant to provisions of the VCBA shall be submitted through the NMLS and satisfy all renewal requirements of the VCBA, including but not limited to those required by R.S. 6:1388.

B. Beginning November 1, 2023, all applications for renewal for all licenses and notices of registration to engage in virtual currency business activities shall begin submitting an application or notice of registration for renewal on the first day of November of each calendar year.

C. If a renewal application is submitted timely on or before the thirty-first day of December, the license or notice of registration shall remain in force and effect until the renewal application is either approved or denied by the commissioner. Nothing in this Paragraph shall preclude the commissioner from implementing any administrative or enforcement action or actions authorized by the VCBA or this rule for violations of the VCBA, this rule, or for any material misrepresentation that may have occurred prior to the renewal date of any license or notice of registration.

D. If the commissioner has not received the renewal fee and late fee before the first day of March after expiration of any license or notice of registration required by this Section, the license or notice of registration to engage in virtual currency business in Louisiana shall lapse without hearing or notification, and the license or notice of registration shall not be reinstated. However, the person whose license or notice of registration has lapsed may apply for a new license or notice of registration, in accordance with applicable provisions of the VCBA, including but not limited to R.S. 6:1385, et seq., and 6:1389, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2564 (October 2022).

### **§1915. Net Worth/Tangible Net Worth**

A. In satisfying the licensure, renewal, and registration requirements provided by the VCBA, including but not limited to R.S. 6:1386(B) through (D), R.S. 6:1388(B)(2)(f), and R.S. 6:1389(A)(7), net worth and tangible net worth shall be clearly evidenced by filing or submitting a current, audited financial statement to the commissioner through the NMLS prepared:

1. in accordance with General Acceptable Accounting Principles (GAAP) standards; and
2. consistent with Public Company Accounting Oversight Board (PCAOB) standards.

B. Licensure, renewal, and registration requirements relative to net worth and net tangible worth provided by the

VCBA, including but not limited to those expressly provided by R.S. 6:1386(B) through (D), R.S. 6:1388(B)(2)(f), and R.S. 6:1389(A)(7), shall be:

1. satisfied at the time of initial application for licensure, renewal, and registration under the VCBA;
2. maintained at all times during licensure, renewal, and registration; and
3. annually reported to the commissioner beginning on the first day of November, in compliance with Subsection A of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2564 (October 2022).

### **§1917. Examination**

A. The commissioner may:

1. conduct on-site examination or investigation, participate in a joint or concurrent examination or investigation with another state or federal agency or agencies, or examine or investigate the books, records, and accounts used in the business of every licensee or registrant;
2. accept and rely upon an examination report or investigative report of any other state or federal agency or agencies.

B. The commissioner is not precluded from conducting an examination or investigation under applicable provisions of the VCBA, including but not limited to R.S. 6:1391, by:

1. participating in a joint examination or investigation;
2. participating in a concurrent examination or investigation; or
3. accepting results of an examination or investigation report conducted by any state or federal agency or agencies.

C. A joint report or concurrent report accepted by the commissioner under this Section may be accepted as an official report of the commissioner for purposes of the VCBA and this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1391, R.S. 6:1392, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2564 (October 2022).

### **§1919. Network Examination**

A. To efficiently and effectively enforce the VCBA and to minimize regulatory burden, the commissioner may participate in multistate examination and investigation processes for licensees that hold licenses in this state and other states. As a participant in any multistate examinations or investigations, the commissioner may, to the extent permitted by law:

1. cooperate, coordinate, and share information with other state and federal regulators;
2. enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations made up of other state and/or federal governmental agencies; and
3. cooperate, coordinate, and share information with organizations made up of other state and/or federal governmental agencies, provided that the organizations agree in writing to maintain confidentiality and security of shared information.

B. Nothing in this Section constitutes a waiver of the commissioner's authority to:

1. conduct any examination or investigation authorized by law;

2. otherwise take any independent action authorized by:

a. law;

b. any rule promulgated in accordance with the Louisiana Administrative Procedure Act (LAPA); or

c. any order issued under the VCBA to enforce compliance with applicable state or federal law.

C. The following shall not constitute a waiver of any examination fee provided by the VCBA and/or any rule or rules promulgated in accordance with LAPA:

1. the commissioner's participation in any joint examination or investigation; or

2. the commissioner's acceptance of an examination or investigative report conducted and prepared by other state or federal agency or agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1391, R.S. 6:1392, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2564 (October 2022).

#### **§1921. Renewal/Quarterly Reports**

A. In order to meet the reporting requirements of section 1388 of the VCBA, and provide the department with sufficient information as it relates to enforcement pursuant to section 1393 of the VCBA, each licensee shall submit to the NMLS reports of condition which shall be in such form and frequency and contain such information as the NMLS may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1391; and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1923. Records**

A. Licensees engaging in virtual currency business activity in Louisiana shall maintain and preserve such records as determined by policy by the commissioner, pursuant to R.S. 6:1391, for a period of five years, or longer, if required by the commissioner to resolve any examination, investigation, or complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1391, R.S. 6:1393, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1925. Policies and Procedures**

A. Licensees engaging in virtual currency business activity in Louisiana will be expected to adopt and implement appropriate policies and procedures as part of the required books, records, and accounts, as determined by policy by the commissioner, pursuant to R.S. 6:1391 and R.S. 6:1393.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1391, R.S. 6:1393, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1927. Consent Agreements**

A. The commissioner may enter into a consent agreement at any time with a person to resolve a matter arising under the VCBA, or a rule adopted, or an agreement entered into, under the VCBA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1391, R.S. 6:1392, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1929. Civil Penalties**

A. The commissioner, in his discretion, may assess a civil penalty against a person that violates the VCBA or any rule promulgated pursuant to the VCBA, or any order issued by the commissioner pursuant thereto, not to exceed \$1,000 for each violation, plus the department's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S. 6:1392, R.S. 6:1393, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1931. Miscellaneous Provisions**

A. Failure to comply with this rule, or any other rule, or with any order issued by the department within a reasonable period of time may be considered in determining whether to waive any regulatory fee or to allow the filing of additional information relating to the application process. Noncompliance with any provisions of the VCBA, including but not limited to any or provisions pertaining to ownership, control, security, net worth, registration, or failure to pay any fee may likewise be considered in determining whether to deny issuance or renewal of a license or notice of registration, or the commissioner's institution of any investigative, administrative, or regulatory action within the scope of his authority.

B. All persons must be properly registered with the Louisiana Secretary of State, if required, prior to engaging in virtual currency business activity in the state of Louisiana.

C. Required Disclosures. Licensees engaging in virtual currency business activity in Louisiana shall provide to a person who uses the licensee's products or services proper disclosures, as determined by the commissioner by policy, pursuant to R.S. 6:1393. The commissioner shall also determine, by policy, the time and form required for such disclosures. Disclosures required by this section must be made separately from any other information provided by the licensee to a person and in a clear and conspicuous manner. A licensee may propose, for the commissioner's approval, alternate disclosures as deemed more appropriate for its virtual currency business activity with, or on behalf of, persons in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1392, R.S. 6:1393, and R.S. 6:1394.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

#### **§1933. Fees**

A. Pursuant to the authority granted under R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1387, R.S. 6:1388, R.S.

6:1389, and R.S. 6:1391, the following fee structure is hereby established to cover necessary costs associated with the administration of the VCBA, R.S. 6:1381, et seq., as enacted by Act 341 of the 2020 Regular Session of the Louisiana Legislature.

Description	Fee
1. Initial Application Fee (\$2,500) and Investigation/Review Fee (\$2,500)	\$5,000
2. License Renewal Fee (\$2,000) and Investigation/Review Fee (\$2,000)	\$4,000/\$1,500 late fee
3. Examination Fee	\$50 per/hour for each examiner, plus the actual cost of subsistence, lodging, and transportation for out-of-state exams, not to exceed the amounts provided for in Division of Administration travel regulations in force at the time of such exam
4. Registration Fee	\$750 for initial application
5. Registration Renewal Fee	\$500 for any subsequent annual renewals /\$250 late fee

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1385, R.S. 6:1388, R.S. 6:1389, R.S. 6:1392, and R.S. 6:1394.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2565 (October 2022).

**§1935. Exceptions**

A. Any request for an exception and/or waiver must be submitted in writing and requires the written approval of the commissioner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1392, and R.S. 6:1394.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2566 (October 2022).

**§1937. Severability**

A. If any provision or item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, items, or applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 6:121, R.S. 6:121.2, R.S. 6:1385, R.S. 6:1386, R.S. 6:1387, R.S. 6:1388, R.S. 6:1389, R.S. 6:1392, and R.S. 6:1394.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Office of Financial Institutions, LR 48:2566 (October 2022).

Stanley M. Dameron  
Commissioner

2210#046

**RULE**

**Department of Health  
Board of Dentistry**

Dental Hygienists  
(LAC 46:XXXIII.702)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry promulgated LAC 46:XXXIII.702. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 7. Dental Hygienists**

**§702. General Supervision in Nursing Homes**

A. Notwithstanding the limits in §701 on dental hygienists working under general supervision, a dental hygienist may work under the general supervision of a dentist in a licensed nursing home, as defined by R.S. 40:2009.2, if:

1. the dental hygienist has at least five years of full-time practice of dental hygiene;
2. the dental hygienist is employed by a Louisiana licensed dentist;
3. the dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and
4. the dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established.

B. A dental hygienist who qualifies under the preceding section is entitled to be referred to as a Public Health Dental Hygienist, and will have no limit on the number of days the hygienists may work under general supervision in a licensed nursing home but must adhere to all of the other restrictions and requirements set forth in Rule 701 except Rule 701.F.5.

C. The limit of a dentist supervising no more than two dental hygienists under general supervision shall not apply to Public Health Dental Hygienists working at a licensed nursing home.

D. The limitation in Rule 701 that a patient may not be seen twice consecutively under general supervision shall not apply to Public Health Dental Hygienists working at a licensed nursing home; however, the requirement that the supervising dentist has examined the patient of record not more than nine months prior to the date that the dental hygienist provides the dental hygiene services is still applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Dentistry, LR 48:2566 (October 2022).

Arthur Hickham, Jr.  
Executive Director

2210#022

## RULE

### Department of Health Bureau of Health Services Financing

#### Home Health Agencies—Licensing Standards (LAC 48:I.Chapter 91)

Editor's Note: This Rule is being repromulgated to correct a manifest typographical error. The original Rule may be viewed in its entirety on pages 1826-1841 of the July 20, 2022 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 91 as authorized by R.S. 36:254 and R.S. 40:2116.31 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 91. Minimum Standards for Home Health Agencies

#### §9101. Definitions

A. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

*Abuse*—

- a. the willful infliction of physical or mental injury;
- b. causing deterioration by means including, but not limited to:
  - i. sexual abuse;
  - ii. exploitation; or
  - iii. extortion of funds or other things of value to such an extent that the health, moral or emotional well-being of the individual being supported is endangered; or
- c. the willful infliction of injury, unreasonable confinement, intimidation or punishment which results in or which could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act which produced, or which could have reasonably been expected to produce, physical or mental injury or harm shall not be a defense to the charge of abuse.

\* \* \*

*Advanced Practice Registered Nurse (APRN)*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certificates.

*Advisory Board*—Repealed.

*Allied Health Personnel*—nursing assistants, licensed practical nurses, licensed physical therapy assistants, and other health care workers who require supervision by other licensed health care professionals in accordance with their scope of practice.

*Branch*—an office from which a home health agency (HHA) provides services within a portion of the total geographic service area served by the parent agency. The branch office is part of the parent HHA; is located within a 50-mile radius of the parent agency; and shares administration and supervision.

\* \* \*

*Cessation of Business*—agency is non-operational and/or has stopped offering or providing services to the community.

*Change of Ownership (CHOW)*—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed health care provider subject to this Rule by a person, corporation, or other equity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

a - d. Repealed.

*Clinical Manager*—a person designated in writing to supervise all aspects of patient care, all activities of professional staff and allied health personnel, and be responsible for compliance with regulatory requirements.

*Clinical Note*—a written or electronic notation of each visit with a patient, which shall include the date and time of the visit, services rendered, and the signature of person providing services. The note shall include any pertinent information related to the visit.

*Clinical Nurse Specialist (CNS)*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

*Clinical Records*—those documents maintained on all patients accepted for care by an HHA. The records shall be retained in accordance with existing state laws.

*Controlling Ownership or Controlling Interest*—an equity or voting interest possessed by a person or entity that:

- a. has a direct or indirect equity interest equal to 5 percent or more in the capital, the stock, or the profits of an HHA; or
- b. is an officer or director of an HHA which is organized as a corporation; or
- c. is a partner in an HHA which is organized as a partnership; or
- d. is a member or manager of an HHA which is organized as a limited liability company. The term controlling ownership is synonymous with the terms controlling interest or control interest as defined by the Department of Health and Human Services (DHHS), Centers for Medicare and Medicaid Services (CMS).

*Department*—the Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

*Director of Nurses (DoN)*—Repealed.

*Employed*—being assigned the performance of a job or task for compensation, such as wages or a salary. An

employed person may be one who is contracted or one who is hired for a staff position.

\* \* \*

*Governing Body*—the person or group of persons who have legal authority for and/or ownership of the corporation of the HHA and responsibility for agency operations. A governing body assumes full legal authority and responsibility for the operation of the agency.

*Home Health Agency*—a state-owned and operated agency, or a subdivision of such an agency or organization; or a private nonprofit organization; or a proprietary organization which provides skilled home health care and support services to the public. Skilled home health care is provided under the order of an authorized healthcare provider, in the place of residence of the person receiving the care, and includes skilled nursing and at least one of the following services:

- a. physical therapy;
- b. speech therapy;
- c. occupational therapy;
- d. medical social services; or
- e. home health aide services.

*Home Health Agency Premises*—the physical site where the HHA maintains staff to perform administrative functions, and maintains its personnel records, or maintains its patient service records, or holds itself out to the public as being a location for receipt of patient referrals. The HHA shall be a separate entity from any other entity, business, or trade. If office space is shared with another healthcare related entity, the HHA shall operate independently, have a clearly defined scope of services, and ensure confidentiality is maintained for the HHA's patients. The HHA may not share office space with a non-healthcare related entity.

*Home Health Aide*—a person qualified to provide direct patient care in the home under the supervision of a RN or physical therapist to assist the patient with ADLs, in accordance with a written plan of care (POC), and requiring a clinical note for each patient visit.

*Home Health Licensure Forms*—the collection of appropriate forms for licensure that may be obtained from the department's website. Home health licensure forms shall be completed by all initial applicants before the licensure process can begin.

*Jurisdiction*—all home health agencies shall be under the jurisdiction of the LDH, which promulgates and enforces the rules governing the operation of such agencies or organizations. However, nothing in this Part shall be construed to prohibit the delivery of personal care, homemaker, respite, and other in-home services by a person or entity not licensed under this Rule unless provided with other home health services.

*Licensed Practical Nurse*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications and who works under the supervision of an RN.

\* \* \*

*Misappropriation*—taking possession without the permission of the individual who owns the personal belongings or the deliberate misplacement, exploitation or

wrongful temporary or permanent use of an individual's belongings or money without the individual's consent.

*Neglect*—the failure by a caregiver responsible for an individual's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being, unless the patient exercises his/her right to refuse the necessary care.

*Non-Licensed Person*—any person who provides health-related services for compensation directly related to patient care to patients of an HHA and who is not a licensed healthcare provider. A non-licensed person is also any person who provides such services to individuals in their own homes as an employee or contract provider of an HHA.

*Non-Operational*—the HHA is not open for business operation on designated days and hours as stated on the licensing application and business location signage.

*Nurse Practitioner (NP)*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

*Physician*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

*Physician Assistant (PA)*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

\* \* \*

*Registered Nurse*—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

\* \* \*

*Support Services*—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2239 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1826 (July 2022), repromulgated LR 48:2567 (October 2022).

Dr. Courtney N. Phillips  
Secretary

2210#056

**RULE**

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

Hospital Licensing Standards  
Obstetrical and Newborn Services  
(LAC 48:I.Chapter 95)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 95 as authorized by R.S. 36:254 and 40:2100 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 48**  
**PUBLIC HEALTH—GENERAL**  
**Part I. General Administration**  
**Subpart 3. Licensing and Certification**  
**Subchapter S. Obstetrical and Newborn Services**  
**(Optional)**

**§9505. General Provisions for Hospitals Licensed as of January 1, 2022**

A. Sections 9505-9509 shall be effective immediately upon publication of these provisions for existing hospitals licensed as of July 1, 2022, and shall remain in effect through November 30, 2023. Such hospitals must be in compliance with Sections 9511-9517 beginning December 1, 2023.

NOTE Repealed.

1. The level of care of the neonatal intensive care unit (NICU) is not required to match or exceed the level of obstetrical care for each level of obstetrical service.

2. For facilities that change the level of care and services of the facility's NICU unit, either decreasing or increasing the level provided, the facility shall submit an attestation of this change to the department's Health Standards Section (HSS) in writing and on the appropriate state neonatal services Medicaid attestation form. Such notice shall be submitted to the HSS within 90 days of the facility's change in NICU level provided. For facilities that change the level of care and services of a facility's obstetrical unit, by either decreasing or increasing the level provided, the facility shall submit written notice of this change to HSS within 90 days of such change.

B. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2427 (November 2003), amended LR 33:284 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:75 (January 2017), LR 46:1087 (August 2020), LR 48:2569 (October 2022).

**§9511. General Provisions for Hospitals Licensed After January 1, 2022, and for Existing Hospitals Beginning July 1, 2023**

A. Sections 9511-9517 shall be effective immediately upon publication of these provisions for hospitals licensed after January 1, 2022.

1. Sections 9511-9517 shall be effective for existing hospitals (those licensed by or before January 1, 2022) beginning July 1, 2023.

B. The level of care of the neonatal ICU is not required to match or exceed the level of obstetrical care for each level of obstetrical service.

1. - 5. Repealed.

C. For facilities that change the level of care and services of the facility's NICU unit, either decreasing or increasing the level provided, the facility shall submit an attestation of this change to the department's HSS in writing and on the appropriate state neonatal services Medicaid attestation form. Such notice shall be submitted to the HSS within 90 days of the facility's change in NICU level provided. For facilities that change the level of care and services of a facility's obstetrical unit, by either decreasing or increasing the level provided, the facility shall submit written notice of this change to HSS within 90 days of such change.

D. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times specifies the person and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

E. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being readily available at all times specifies the person shall be available, as approved by hospital policy, 24 hours a day, 7 days a week.

F. Any transfer agreements shall be in writing and approved by the hospital medical staff and by each hospital's governing body. Transfer agreements shall be reviewed at least annually and revised as needed.

G. For those hospitals providing transports, the qualifications of the transport team shall be in writing, defined by hospital policy and approved by each hospital's governing body. Such qualifications shall be reviewed at least annually and revised as needed.

H. The hospital shall have data collection and retrieval capabilities in use, and shall cooperate and report the requested data to the appropriate supervisory agencies to review.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2428 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 48:2569 (October 2022).

**§9513. Organization and Staffing**

A. For purposes of this Subchapter, hospital privileges are such privileges that are unrestricted and approved by the medical staff committee and the governing body that allows the practitioner to perform all duties within their scope of practice and certification(s) at the hospital in which the privileges are granted and such duties are performed.

1. The requirements for privileges, such as active privileges, inpatient privileges or full privileges, shall be defined in hospital policy and approved by each hospital's governing body.

1.a. - 2.c. Repealed.

B. In accordance with R.S. 40:2109, a hospital located in a parish with a population of 250,000 people or less shall not be required to maintain personnel in-house with credentials to administer obstetric anesthesia on a 24-hour basis in order to qualify for Medicaid reimbursement for level III, neonatal or obstetric medical services, or as a prerequisite for licensure to provide such services. Personnel with such credentials may be required to be on staff and readily available on a 24-hour on-call basis and demonstrate ability to provide anesthesia services within 20 minutes.

1. - 3.a.ii Repealed.

NOTE: The provisions of §9513.B shall not apply to any hospital with level IIIS, IIIR or IV obstetrical and neonatal services.

C. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times means that the person and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

1. - 5.b. Repealed.

D. For purposes of this Subchapter, the requirements for hospital means that the person shall be available 24 hours a day, 7 days a week.

1. - 3.a.i. Repealed.

E. Any transfer agreements shall be in writing and approved by the hospital medical staff and by each hospital's governing body. Transfer agreements shall be reviewed at least annually and revised as needed.

1. - 2.b.Table. Repealed.

F. For those hospitals providing transports, the qualifications of the transport team shall be in writing, defined by hospital policy and approved by each hospital's governing body. Such qualifications shall be reviewed at least annually and revised as needed.

G. The hospital shall have data collection and retrieval capabilities in use, and shall cooperate and report the requested data to the appropriate supervisory agencies to review.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 43:1979 (October 2017), LR 48:2569 (October 2022).

### §9515. Obstetrical Units

A. These requirements are applicable to those hospitals which provide obstetrical and neonatal services.

B. Levels of Care Units. These are five established obstetrical levels of care units:

1. obstetrical level I unit;
2. obstetrical level II unit;
3. obstetrical level III unit;
4. obstetrical level III regional unit; and
5. obstetrical level IV.

C. The guidance for these standards is based on *Obstetric Care Consensus: Levels of Maternal Care* published in August 2019. Each advanced level of care unit shall provide all services and meet the personnel requirements of the lower designated units, as applicable, i.e., a level IV unit shall meet the requirements of a level I, II, III and III regional unit.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:288 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:82 (January 2017), LR 48:2570 (October 2022).

### §9517. Obstetrical Unit Functions

A. Obstetrical Level I Unit (Basic Care)

1. General Provisions

a. Care and supervision for low risk pregnancies greater or equal to 35 weeks gestation and postpartum patients who are generally healthy and do not have medical, surgical, or obstetrical conditions that present a significant risk of maternal morbidity or mortality, shall be provided.

b. Participation in the state perinatal quality collaborative, which is under the authority of the Louisiana Commission on Perinatal Care and Prevention of Infant Mortality, is required and defined as reporting national perinatal measures determined by the Louisiana Commission on Perinatal Care and Prevention of Infant Mortality.

c. There shall be a triage system present in policies and procedures for identification, stabilization and referral of

high risk maternal and fetal conditions beyond the scope of care of a level I unit, including situations where an infant will require a higher level of care than what may be provided by the neonatal level of care of the facility.

d. Postpartum care facilities shall be available on-site.

e. There shall be capability to provide for resuscitation and stabilization of inborn neonates.

f. The hospital shall have a policy for infant security and an organized program to prevent infant abductions.

g. The hospital shall have a program in place to address the needs of the family, including parent-sibling-neonate visitation.

h. The hospital shall have a written transfer agreement with another hospital that has an approved appropriate higher level of care.

i. The hospital shall have the capability to screen, provide brief intervention and refer to treatment through consultation with appropriate personnel for behavioral health disorders, including depression, and substance use disorder.

j. Social services, pastoral care and bereavement services shall be provided as appropriate to meet the needs of the patient population served.

2. Personnel Requirements

a. Obstetrical services shall be under the medical direction of a qualified physician who is a member of the medical staff with obstetric privileges. The physician shall be board certified or board eligible in obstetrics/gynecology or family practice medicine. The physician has the responsibility of coordinating perinatal services with the pediatric chief of service.

b. The nursing staff shall be adequately trained and staffed to provide patient care at the appropriate level of service. Registered nurse to patient ratios may vary in accordance with patient needs.

c. The unit shall provide credentialed medical staff to ensure the capability to perform emergency cesarean delivery within a time interval that best incorporates maternal and fetal risks and benefits.

d. The maternal care providers, including midwives, family physicians or obstetricians, shall be readily available at all times.

e. Anesthesia, radiology, ultrasound, electronic fetal monitoring (along with personnel skilled in the use of these) and laboratory services shall be readily available at all times.

f. At least one credentialed physician or certified registered nurse midwife shall attend all deliveries, and at least one individual who is American Academy of Pediatrics (AAP) certified in neonatal resuscitation and capable of neonatal resuscitation shall attend all deliveries.

g. The nurse manager shall be a registered nurse (RN) with specific training and experience in obstetric care. The RN manager shall participate in the development of written policies, procedures for the obstetrical care areas, and coordinate staff education and budget preparation with the chief of service. The RN manager shall name qualified substitutes to fulfill duties during absences.

h. A facility shall have at least one individual with additional education in breastfeeding who is available for support, counseling and assessment of breastfeeding mothers.

i. A facility shall have ability to initiate education and quality improvement programs to maximize patient safety, and/or collaborate with higher-level facilities to do so.

### 3. Physical Plant

a. Laboring and postpartum patients shall not be placed in rooms with non-obstetrical patients.

b. Each room shall have at least one toilet and lavatory basin for the use of obstetrical patients.

c. The arrangement of the rooms and areas used for obstetrical patients shall be such as to minimize traffic of patients, visitors, and personnel from other departments and prevent traffic through the delivery room(s).

d. There shall be an isolation room provided with hand washing facilities for immediate segregation and isolation of a mother and/or baby with a known or suspected communicable disease.

e. For any new construction or major alteration of the obstetrical unit/suite, the hospital shall ensure that the OB unit has a cesarean delivery room (surgical operative room) to perform cesarean deliveries at all times.

### 4. Program Functions and Services

#### a. Laboratory and Blood Bank Services

i. There shall be protocols and capabilities for massive transfusion with process to obtain more blood and component therapy as needed, emergency release of blood products and management of multiple component therapy available on-site.

#### b. Medical Imaging Services

i. Ultrasound equipment shall be physically present at all times in the hospital and available during labor and delivery.

ii. Basic ultrasound imaging for maternal or fetal assessment including interpretation, shall be readily available at all times.

#### c. Obstetrical Services

i. Ensure the availability and interpretation of non-stress testing and electronic fetal monitoring.

ii. A trial of labor for patients with prior cesarean delivery may be attempted only if the necessary personnel to perform a cesarean delivery and perform maternal resuscitation are physically present. This personnel includes, all credentialed medical staff needed to perform an emergency cesarean delivery.

iii. The facility shall have written guidelines or protocols for various conditions that place the pregnant or postpartum patient at risk for morbidity and/or mortality, including promoting prevention, early identification, early diagnosis, therapy, stabilization, and transfer. The guidelines or protocols shall address at a minimum:

(a). massive hemorrhage and transfusion of the pregnant or postpartum patient in coordination with the blood bank, including management of unanticipated hemorrhage and/or coagulopathy;

(b). hypertensive disorders in pregnancy;

(c). sepsis and/or systemic infection in the pregnant or postpartum patient; and

(d). venous thromboembolism in the pregnant and postpartum patient, including assessment of risk factors, prevention, and early diagnosis and treatment.

## B. Obstetrical Level II Unit (Specialty Care)

### 1. General Provisions

a. the role of an obstetrical level II unit is to provide care for pregnant and postpartum patients with medical, surgical and/or obstetrical conditions that present a moderate risk of maternal morbidity or mortality; and

b. women with high risk of morbidity or mortality or conditions that would result in the delivery of an infant weighing less than 1,500 grams or less than 32 weeks gestation that will require a higher level of care than what may be provided by the neonatal level of care of the facility, shall be referred to an approved level III or above unit unless the attending physician has documented that the patient is unstable to transport safely. Written transfer agreements with approved obstetrical level III and above units for transfer of these patients shall exist for all obstetrical level II units.

### 2. Personnel Requirements

#### a. Obstetric Service Leadership

i. The physician obstetric leader shall be a board-certified obstetrician or a board eligible candidate for certification in obstetrics. This obstetrician has the responsibility of coordinating perinatal services with the neonatal healthcare provider in charge of the neonatal intensive care unit (NICU).

#### b. Personnel

i. A board-certified or board eligible OB-GYN physician shall be readily available at all times.

EXCEPTION: For those hospitals whose staff OB-GYN physician(s) do not meet the provisions of §9517.B.2.b.i, such physician(s) may be grandfathered as satisfying the requirement of §9517.B.2.b.i when the hospital has documented evidence that the OB-GYN physician(s) was granted clinical staff privileges by the hospital prior to the effective date of this Rule. This exception applies only to the physician at the licensed hospital location and shall not be transferrable.

ii. A licensed physician board-certified or board eligible in maternal fetal medicine (MFM) shall be readily available at all times for consultation on-site, by telephone or by telemedicine, as needed. Timing and need to be on-site or available by telemedicine shall be directed by the urgency of the clinical situation.

iii. Anesthesia services shall be readily available at all times to provide labor analgesia and surgical anesthesia. A board-certified anesthesiologist with specialized training or experience in obstetric anesthesia shall be readily available at all times for consultation.

iv. A board-certified radiologist and a board-certified clinical pathologist shall be readily available at all times. Internal or family medicine physician(s) and general surgeon(s) shall be readily available at all times for consultation to stabilize obstetric patients who have been admitted to the facility or transferred from other facilities.

v. There shall be a continuous availability of qualified RNs with the ability to stabilize and transfer high-risk women.

vi. A lactation consultant or counselor shall be on staff to assist breastfeeding mothers as needed.

vii. The lactation consultant or counselor shall be certified by a nationally recognized board on breastfeeding. If individuals with such certification are not on staff, services may be obtained from certified providers through

the use of telehealth, subject to requirements of any licensing board(s).

### 3. Program Functions and Services

#### a. Medical Imaging Services

i. Computed tomography (CT) scan, magnetic resonance imaging (MRI), non-obstetric ultrasound imaging and maternal echocardiography with interpretation shall be readily available at all times.

ii. Specialized obstetric ultrasound and fetal assessment with interpretation shall be readily available at all times.

### C. Obstetrical Level III Unit (Subspecialty Care)

#### 1. General Provisions

a. This unit shall provide care for moderate to high-risk perinatal conditions. Women with such conditions requiring a medical team approach not available to the perinatologist in an obstetrical level III unit shall be transported to a higher-level unit.

b. The unit shall have written cooperative transfer agreements with approved higher level units for the transport of mothers and fetuses requiring care unavailable in an obstetrical level III unit or that are better coordinated at a higher level unit.

c. The hospital shall have advanced imaging services readily available at all times which shall include MRI and CT.

d. The hospital shall have medical and surgical ICUs to accept pregnant women and women in the postpartum period and, shall have qualified critical care providers readily available at all times to actively collaborate with MFM physicians.

e. Equipment and qualified personnel, adequate in number, shall be available on-site to ventilate and monitor women in labor and delivery until they can be safely transferred to the ICU.

f. This unit shall accept maternal transfers as deemed appropriate by the medical staff and governing body.

#### 2. Personnel Requirements

##### a. Obstetric Leadership

i. The physician obstetric leader shall be a board-certified OB-GYN with active staff privileges in obstetrical care.

ii. A board-certified anesthesiologist with specialized training or experience in obstetric anesthesia shall be in charge of obstetric anesthesia services.

iii. The director of MFM services shall be a board-certified or board eligible MFM physician.

##### b. Personnel

i. This unit shall have a board-certified or board-eligible OB-GYN readily available at all times and available to be physically present within 20 minutes of request to be on-site.

ii. This unit shall have a board-certified or a board-eligible anesthesiologist qualified in the delivery of obstetric anesthesia services readily available at all times. Personnel with such credentials shall be required to be on staff and readily available on a 24-hour on-call basis, and

demonstrate the ability to provide anesthesia services within 20 minutes.

iii. A board-certified or board-eligible MFM physician with inpatient privileges shall be readily available at all times, either on-site, by telephone or by telemedicine.

iv. A full complement of subspecialists, including subspecialists in critical care, general surgery, infectious disease, urology, hematology, cardiology, nephrology, neurology, gastroenterology, internal medicine, behavioral health, neonatology and pulmonology shall be readily available at all times for inpatient consultations.

v. Anesthesia services shall be physically present at all times, unless otherwise provided by R.S. 40:2109(B)(6).

vi. The delivery of safe and effective perinatal nursing care requires appropriately qualified registered nurses in adequate numbers to meet the nursing needs of each patient. The hospital shall develop, maintain and adhere to an acuity-based classification system based on nationally recognized staffing guidelines and shall have documentation of such.

vii. A nutritionist and a social worker shall be on staff and available for the care of these patients as needed.

### D. Obstetrical Level III Regional Unit (Regional Transfer Unit).

#### 1. General Provisions

a. This unit shall provide care for the most challenging of perinatal conditions. Women with such conditions requiring a medical team approach not available to the MFM physician in an obstetrical level III regional unit shall be transported to a level IV unit.

b. This unit shall have written cooperative transfer agreements with a level IV unit for the transport of mothers and fetuses requiring care that is unavailable in the level III regional unit or that is better coordinated at a level IV.

c. This unit shall accept maternal transfers as deemed appropriate by the medical staff and hospital governing body.

#### 2. Personnel Requirements

a. This unit shall have a board-certified or board-eligible OB-GYN physically present at all times.

b. The director of MFM services for this unit shall be a board-certified MFM physician.

c. This unit shall have an anesthesiologist qualified in the delivery of obstetric anesthesia services physically present at all times.

### E. Obstetrical Level IV Unit (Regional Subspecialty Perinatal Health Care Centers)

#### 1. General Provisions

a. This unit shall provide on-site medical and surgical care of the most complex maternal conditions and critically ill pregnant women and fetuses throughout antepartum, intrapartum, and postpartum care.

#### 2. Unit Requirements

a. This unit shall have perinatal system leadership, including facilitation of maternal referral and transport, outreach education for facilities and health care providers in the region and analysis and evaluation of regional data,

including perinatal complications and outcomes and quality improvement.

3. Personnel

a. Obstetric Leadership

i. The physician obstetric leader for this unit shall be a board-certified MFM physician.

b. Personnel

i. This unit shall have a MFM care team with the expertise to assume responsibility for pregnant women and women in the postpartum period who are in critical condition or have complex medical conditions. This includes co-management of ICU-admitted obstetric patients. The MFM team members shall have full privileges and shall be available 24 hours per day for on-site consultation and management. This team shall be led by a board-certified MFM physician.

ii. This unit shall have qualified subspecialists on staff, readily available at all times, to provide consultation and treatment as needed on-site in the care of critically ill pregnant women in the following areas:

- (a). cardiothoracic surgery and
- (b). neurosurgery.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2570 (October 2022).

**§9519. Neonatal Intensive Care**

[Formerly LAC 48:I.9511]

A. This §9519 is applicable to those hospitals which provide obstetrical and neonatal services.

B. Levels of Care. There are five established neonatal levels of care units:

- 1. neonatal level I unit;
- 2. neonatal level II unit;
- 3. level III NICU unit;
- 4. level III surgical NICU; and
- 5. level IV NICU unit.

C. Each advanced level of care unit shall provide all services and meet the personnel requirements of the lower designated units, as applicable, i.e., a level III surgical unit must meet the requirements of the level I, II, and III units.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2573 (October 2022).

**§9521. Neonatal Unit Functions**

[Formerly LAC 48:I.9513]

A. Level I Neonatal Unit (Well Newborn Nursery)

1. General Provisions

a. This unit shall have the capability for resuscitation and stabilization of all inborn neonates in accordance with Neonatal Resuscitation Program (NRP) guidelines. The unit shall stabilize unexpectedly small or sick neonates before transfer to the appropriate advanced level of care.

b. The unit shall stabilize and provide care for infants born at 35 weeks or greater gestation and who remain physiologically stable. The requirements for maternal transport at lesser gestations for transfer to a higher level of care shall be determined by the medical staff and approved by the hospital governing body.

c. This unit shall have the capability to stabilize newborns born at less than 35 weeks gestational age for transfer to higher level of care.

d. This unit shall maintain consultation and written transfer agreements with an approved level II or III as appropriate.

e. This unit shall have a defined, secured nursery area with limited public access and/or secured rooming-in facilities with supervision of access.

f. Parent and/or sibling visitation/interaction with the neonate shall be provided.

2. Personnel Requirements

a. The unit's chief of service shall be a physician who is board-certified or board-eligible in pediatric or family practice medicine.

b. The nurse manager shall be a registered nurse with specific training and experience in neonatal care. The RN manager shall participate in the development of written policies and procedures for the neonatal care areas, and coordinate staff education and budget preparation with the chief of service. The RN manager shall name qualified substitutes to fulfill duties during absences.

c. Registered nurse to patient ratios may vary in accordance with patient needs. If couplet care or rooming-in is used, a registered nurse who is responsible for the mother shall coordinate and administer neonatal care. If direct assignment of the nurse is also made to the nursery to cover the newborn's care, there shall be double assignment (one nurse for the mother-neonate couplet and one for just the neonate if returned to the nursery). A registered nurse shall be available 24 hours a day, but only one may be necessary as most neonates will not be physically present in the nursery. Direct care of neonates in the nursery may be provided by ancillary personnel under the registered nurse's direct supervision. Adequate staff is needed to respond to acute and emergency situations.

B. Neonatal Level II Unit (Special Care Nursery)

1. General Provisions

a. This unit shall provide care for infants born at more than 32 weeks gestation and weighing more than 1,500 grams.

i. infants who have medical problems that are expected to resolve rapidly and are not anticipated to need emergent subspecialty services from a higher level NICU as determined by the attending medical staff.

b. This unit shall have the capability to provide mechanical ventilation and/or CPAP for a brief duration (less than 24 hours) for infants born at more than 32 weeks and weighing more than 1,500 grams.

c. Neonates requiring greater than 24 hours of continuous ventilator support shall be transferred to a higher-level neonatal intensive care facility.

d. This unit shall have the ability to stabilize infants born before 32 weeks gestation and/or weighing less than 1,500 grams until transfer to a higher level neonatal intensive care facility.

e. Neonates requiring transfer to a higher-level neonatal intensive care facility may be returned to a level II unit for convalescence.

2. Personnel Requirements

a. A board-certified neonatologist shall be the chief of service.

NOTE: This unit shall have continuously available medical staff defined as available 24 hours per day/7 days per week/365 days per year on call for consultation as defined by medical staff bylaws.

b. Registered nurse to patient ratios may vary in accordance with patient needs.

c. This unit shall have at least one full-time social worker to be available as needed to assist with the socioeconomic and psychosocial problems of high-risk mothers, sick neonates, and their families.

d. This unit shall have at least one occupational or physical therapist to be available as needed to assist with the care of the newborn.

e. This unit shall have at least one registered dietitian/nutritionist to be available as needed who can plan diets as required to meet the special needs of mothers and high-risk neonates.

f. This unit shall have staff available 24 hours per day who have the demonstrated knowledge, skills, abilities and training to provide the care and services to infants in this unit, such as but not limited to:

- i. nurses;
- ii. respiratory therapists;
- iii. radiology technicians; and
- iv. laboratory technicians.

### 3. Equipment Requirements

a. This unit shall have hospital based equipment to provide care to infants available 24 hours per day, such as but not limited to:

- i. portable x-ray machine;
- ii. blood gas analyzer.

## C. Level III NICU

### 1. General Provisions

a. There shall be a written neonatal transport agreement with an approved level III surgical unit or level IV unit.

b. This unit shall have either a neonatologist or a neonatal nurse practitioner or a neonatology fellow in-house 24 hours per day.

c. The staffing of this unit shall be based on patient acuity and consistent with the recommended staffing guidelines of the 2012 Seventh Edition of the *AAP Guidelines for Perinatal Care*. For medical sub-specialty requirements, refer to Table 1, Neonatal Medical Subspecialties and Transport Requirements.

NOTE: All provisions of level III NICUs are required of level IIIS and IV NICUs.

### 2. Personnel Requirements

a. The chief of service of a level III NICU shall be a board-certified neonatologist.

EXCEPTION: In 1995, those physicians in existing units who were designated as the chief of service of the unit and who were not neonatal or perinatal board-certified, were granted a waiver by written application to the Office of the Secretary, Department of Health. This waiver shall be maintained as it applies only to the hospital where that chief of service's position is held. The physician cannot relocate to another hospital nor can the hospital replace the chief of service for whom the exception was granted and retain the exception.

b. This unit shall have at least one full-time social worker available as needed who has experience with the socioeconomic and psychosocial problems of high-risk mothers and fetuses, sick neonates, and their families. For units with greater than 30 patients, the social worker staffing ratios shall be at least one social worker to 30 patients

(additional social workers may be required in accordance with hospital staffing guidelines).

c. This unit shall have at least one occupational or physical therapist available as needed with neonatal expertise and at least one individual skilled in evaluation and management of neonatal feeding and swallowing disorders (e.g., speech-language pathologist).

d. This unit shall have at least one registered dietitian/nutritionist available as needed who has training or experience in perinatal nutrition and can plan diets that meet the special needs of high-risk mothers and neonates.

e. Delivery of safe and effective perinatal nursing care requires this unit to have qualified registered nurses in adequate numbers to meet the nursing needs of each patient. To meet the nursing needs of this unit, hospitals shall develop and adhere to an acuity based classification system based on nationally recognized staffing guidelines and have documentation available on such guidelines.

f. This unit shall have the following support personnel immediately available as needed to be on-site in the hospital, including but not limited to:

i. licensed respiratory therapists or registered nurses with specialized training who can supervise the assisted ventilation of neonates with cardiopulmonary disease.

### 3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. advanced imaging with interpretation on an urgent basis (computed tomography, ultrasound (including cranial ultrasound), MRI, echocardiography and electroencephalography); and

ii. respiratory support that allows provision of continuous mechanical ventilation for infants less than 32 weeks gestation and weighing less than 1,500 grams.

### 4. Transport

a. It is optional for level III NICUs to provide transports. If the unit performs transports, the unit shall have a qualified transport team and provide for and coordinate neonatal transport with level I and level II units throughout the state.

b. Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.

### 5. Quality Improvement Collaborative

a. Facilities with level III NICUs and above shall participate in a quality improvement collaborative and a database selected by the Medicaid quality committee, neonatology sub-committee.

b. Proof of current participation by the facility will be available from the LDH website.

## D. Level III Surgical NICU

### 1. General Provisions

a. This unit shall have a transport team and provide for and coordinate neonatal transport with level I, level II units and level III NICUs throughout the state as requested. Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.

NOTE: All provisions of level III NICUs are required of level IIIS and IV NICUs.

2. Personnel Requirements

a. For medical sub-specialty requirements refer to Table 1—Neonatal Medical Subspecialties and Transport Requirements.

EXCEPTION: Those hospitals which do not have a member of the medical staff who is a board certified/eligible pediatric anesthesiologist but whose anesthesiologist has been granted staff privileges to perform pediatric anesthesiology, such physician(s) may be grandfathered as satisfying the requirement of §9521.2.a when the hospital has documented evidence that the anesthesiologist was granted clinical staff privileges by the hospital prior to the effective date of this Rule. This exception applies only to such physician at the licensed hospital location and is not transferrable.

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. a full range of respiratory support that includes high frequency ventilation and inhaled nitric oxide.

E. Level IV NICU

1. General Provisions

a. This unit shall be located within an institution with the capability to provide surgical repair of complex conditions (e.g., congenital cardiac malformations that require cardiopulmonary bypass with or without extracorporeal membrane oxygenation).

2. Personnel Requirements

a. for medical sub-specialty requirements, refer to Table 1—Neonatal Medical Subspecialties and Transport Requirements;

NOTE: All provisions of level IIIS NICUs are required of level IV NICUs.

b. Neonatal Medical Subspecialties and Transport Requirements;

**Table 1—Neonatal Medical Subspecialties and Transport Requirements**

Text denoted with asterisks (\*) indicates physician shall be available in person on-site as needed by the facility. Each higher level NICU unit shall meet the requirements of each lower level NICU unit.

Level I (Well Nursery)	Level II	Level III	Level IIIS	Level IV
Board Certified/Eligible Pediatric or Family Practice Physician	Board Certified/Eligible Pediatric or Family Practice Physician	Pediatric Cardiology <sup>1</sup>	Pediatric Surgery <sup>4</sup>	Pediatric Surgery <sup>4</sup>
	Board Certified Neonatologist	Ophthalmology <sup>2</sup>	Pediatric Anesthesiology <sup>5</sup> §9513(2)a—See Exception	Pediatric Anesthesiology <sup>5</sup>
	Social Worker		Neonatal Transport	Neonatal Transport
	Occupational Therapist	Social Worker Ratio 1:30	Ophthalmology <sup>2*</sup>	Ophthalmology <sup>2*</sup>
	Physical Therapist	OT or PT/neonatal expertise	Pediatric Cardiology*	Pediatric Cardiology*
	Respiratory Therapists	RD/training in perinatal nutrition	Pediatric Gastroenterology*	Pediatric Cardiothoracic Surgery*
	Registered dietician/nutritionist	RT/training in neonate ventilation	Pediatric Infectious Disease*	Pediatric Endocrinology*
	Laboratory Technicians	Neonatal feeding/swallowing-SLP/ST	Pediatric Nephrology*	Pediatric Gastroenterology*
	Radiology Technicians		Pediatric Neurology <sup>3*</sup>	Pediatric Genetics*
			Pediatric Neurosurgery*	Pediatric Hematology-Oncology*
			Pediatric Orthopedic Surgery*	Pediatric Infectious Disease*
			Pediatric Otolaryngology <sup>6*</sup>	Pediatric Nephrology*
			Pediatric Pulmonology*	Pediatric Neurology <sup>3*</sup>
				Pediatric Neurosurgery
				Pediatric Orthopedic Surgery
				Pediatric Otolaryngology <sup>7*</sup>
				Pediatric Pulmonology*
				Pediatric Radiology*
				Pediatric Urologic Surgery*
			Transport note:	
<sup>1</sup> There shall be at least one board certified or board eligible pediatric cardiologist as a member of medical staff. For Level III facilities, staff using telemedicine shall be continuously available.			Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' Section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.	

Table 1—Neonatal Medical Subspecialties and Transport Requirements				
Text denoted with asterisks (*) indicates physician shall be available in person on-site as needed by the facility. Each higher level NICU unit shall meet the requirements of each lower level NICU unit.				
Level I (Well Nursery)	Level II	Level III	Level IIIS	Level IV
<sup>2</sup> There shall be at least one board certified or board eligible ophthalmologist with sufficient knowledge and experience in retinopathy or prematurity as a member of the medical staff. An organized program for monitoring retinotherapy of prematurity shall be readily available in Level III and for treatment and follow-up of these patients in Level IIIS and IV facilities.				
<sup>3</sup> There shall be at least one board certified or board eligible pediatric neurologist as a member of medical staff.				
<sup>4</sup> For pediatric surgery, the expectation is that there is a board certified or eligible pediatric surgeon who is continuously available to operate at that facility.				
<sup>3</sup> There shall be at least one board certified or board eligible pediatric anesthesiologist as a member of the medical staff.				
<sup>6</sup> Board eligible or certified in Otolaryngology; special interest in Pediatric Otolaryngology or completion of Pediatric Otolaryngology Fellowship.				
<sup>7</sup> Board eligible or certified in Otolaryngology; completion of Pediatric Otolaryngology Fellowship.				
For specialties listed above staff shall be board eligible or board certified in their respective fields with the exception of otolaryngology as this field has not yet pursued certification.				

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2573 (October 2022).

**§9523. Additional Support Requirements  
[Formerly LAC 48:I.9515]**

A. A bioethics committee shall be available for consultation with care providers at all times.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2576 (October 2022).

Dr. Courtney N. Phillips  
Secretary

2210#064

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Hazardous Material Information Development,  
Preparedness, and Response Act  
(LAC 33:V.10105)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:953(A), the Department of Public Safety and Corrections, Office of State Police, has amended LAC 33:V, Subpart 2, Hazardous Materials, Chapter 101, Hazardous Material Information Development, Preparedness, and Response Act, Section 10105, to redefine the terms “facility” and “owner or operator” to reflect changes made by Act 246 of the 2021 Regular Legislative

Session to the enabling statute. This Rule is hereby adopted on the day of promulgation.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Wastes and Hazardous Materials**

**Subpart 2. Department of Public Safety and  
Corrections—Hazardous Materials**

**Chapter 101. Hazardous Material Information  
Development, Preparedness, and  
Response Act**

**§10105. Definitions**

A. The following terms, as used in this Chapter shall have the following meanings.

\* \* \*

*Facility*—the physical premises used by the owner or operator in which the hazardous materials are manufactured, used, or stored. A natural gas pipeline, including but not limited to transmission and distribution assets, shall be considered a facility and subject to reporting requirements for facilities under this Chapter. A natural gas pipeline shall not be considered a transport vehicle or otherwise subject to the reporting requirements under Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950 regarding hazardous materials transportation and motor carrier safety. A natural gas pipeline shall not be classified as a compressed natural gas facility.

\* \* \*

*Owner or Operator*—any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, department, bureaus, or instrumentalities engaged in business or research operations which use, handle, manufacture, release or store hazardous materials in a facility.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361, et seq.

HISTORICAL NOTE: Adopted by the Department of Public Safety and Corrections, Office of State Police, LR 12:237 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December

1987), LR 14:801 (November 1988), LR 16:974 (November 1990), LR 27:858 (June 2001), LR 36:545 (March 2010), LR 48:2577 (October 2022).

Colonel Lamar A. Davis  
Superintendent

2210#009

**RULE**

**Department of Public Safety and Corrections  
Office of State Fire Marshal  
Uniform Construction Code Council**

Uniform Construction Code  
(LAC 17:I.Chapter 1)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, State Uniform Construction Code Council (LSUCCC) has amended and adopted the following Rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with the more recent 2021 editions of the *International Building Code*, *International Residential Code*, *International Plumbing Code*, *International Existing Building Code*, *International Fuel Gas Code* and *International Mechanical Code* and the 2020 edition of the *National Electric Code*. This Rule is hereby adopted on the day of promulgation.

**Title 17**

**CONSTRUCTION**

**Part I. Uniform Construction Code**

**Chapter 1. Adoption of the Louisiana State Uniform  
Construction Code  
(Formerly LAC 55:VI.Chapter 3)**

**§101. Louisiana State Uniform Construction Code  
(Formerly LAC 55:VI.301.A)**

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective January 1, 2023 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), LR 47:80 (January 2021), amended LR 48:2577 (October 2022).

**§103. International Building Code  
(Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2021 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

Amend	Chapter 2, Definitions.	Mini-Storage Facility- a self-service storage facility which rents or leases individual storage space to occupants for the storage and/or removal of personal property.
Amend	Table 509.1	
Adopt	Item (18)	Stationary storage battery systems having an energy capacity greater than the threshold quantity specified in 2021 IFC Table 1207.1.1, shall have a 2 HR Separation and/or Protection.
Amend	Section 903.2.1.2, Group A-2.	
Amend	Item (2.)	Item (2). The fire area has an occupant load of 300 or more.
Adopt	Item (4.)	Item (4). Open-air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with 903.2.1.2(1) and 903.2.1.2(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.
Adopt	Exceptions	(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met. (1.) The single multi-purpose room shall not be used for display or exhibition, bars or taverns. (2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area. (3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies. (4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1. (5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi-purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf. (6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.
Amend	Section 903.2.1.3, Group A-3.	
Adopt	Item (4.)	4. Open air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with Section 903.2.1.3(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.
Adopt	Exceptions	(a). The requirements of Sections 903.2.1.3(1) and 903.2.1.3(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met: (1.) The single multi-purpose room shall not be used for display or exhibition. (2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area. (3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies. (4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1. (5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi- purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf. (6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.
Amend	Section 903.2.9.4, Group S-1.	
Amend	Exception	
Adopt	Item (2)	(2.) The requirement of Section 903.2.9.4 shall not apply to mini-storage facilities less than 12,000 sf. Mini-storage facilities, including mini-storage facilities which are climate-controlled, shall comply with 903.2.9(1) thru 903.2.9(4).
Amend	Section 903.2.8, Group R.	
Adopt	Exceptions	(a). An automatic sprinkler system is not required when not more than two dwelling or sleeping units are attached to a commercial or non-residential occupancy where all of the following conditions exist: (1.) The dwelling or sleeping units shall be separated vertically and/or horizontally from the non-residential occupancy as well as each other by two-hour construction in accordance with Sections 707

		and 711. (2.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building. (3.) Egress from the dwelling or sleeping units shall not pass through the non-residential occupancy. (4.) The building shall not exceed two stories.
Adopt		(b.) An automatic sprinkler system is not required in Residential Group R-3, boarding houses (transient and nontransient) as defined by Section 310.5, where one of the following conditions exist: (1.) Every sleeping room has a door opening directly to the exterior at the street or finish grade. (2.) Every sleeping room has a door opening directly to the exterior which leads to an outside stair protected in accordance with Section 1027.
Amend	Section 1010.2.4, Locks and Latches.	
Amend	Item (2.)	Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following: (a.) The door locks shall unlock on actuation of the automatic sprinkler system or automatic fire detection system. (b.) The door locks shall unlock on loss of power controlling the lock or lock mechanism. (c.) The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock. (d.) A means of manual mechanical unlocking must be provided at each door that is not in direct view of the remote release location required by Item c. (e.) The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code. (f.) All clinical staff shall have the keys, codes or other means necessary to operate the locking systems. (g.) Emergency lighting shall be provided at the door. (h.) The door locking system units shall be listed in accordance with UL 294. (i.) "Automatic" Re-Locking, after an emergency release as described above, shall be prohibited. A specific human action dedicated for re-locking doors must be provided at the remote control location or at each lock location. (j.) Document the "staff/patient ratio" for the occupants of the locked area to the authority having jurisdiction. The ratio shall be within state and federal licensing/certification guidelines. Please note that only "nurses" and "nurses' aides" assigned to the locked area shall be considered acceptable responsible staff in regard to this ratio documentation. (k.) Provide the reason for installing specialized security measures to the authority having jurisdiction. (l.) Documentation addressing each condition itemized above shall be provided to the authority having jurisdiction and shall include the signature of the building owner or the facility administrator.
Amend	Item (3.)	3. In buildings in occupancy Group A having an occupant load of 500 or less, Groups B and M, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided: 3.1. The locking device is readily distinguishable as locked. 3.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background. 3.3. The use of the key-operated locking device is revocable by the building official for due cause.
Adopt	Item (3.4)	Doors remain unlocked when the building or space is occupied
Adopt	Item (3.5)	A key is immediately available to any occupant inside the building or space when it is locked.
Repeal	Item (8)	
Repeal	Item (8.1)	
Repeal	Item (8.2)	
Repeal	Item (8.3)	
Repeal	Item (8.4)	
Repeal	Item (8.5)	
Repeal	Item (8.6)	
Repeal	Exception	Where approved, in Group I occupancies, the installation of a sign is not required where care recipients who because of clinical needs require restraint or containment as part of the function of the treatment area.
Amend		(7.) Emergency lighting shall be provided on the egress side of the door. (8.) The delayed egress locking system units shall be listed in accordance with UL 294.
Amend	Section 1010.2.11, Door hardware release of electrically locked egress doors.	(a.) a. Doors in the required means of egress shall be permitted to be locked with an electromagnetic locking system where equipped with hardware and where installed and operated in accordance with all of the following: (1.) The hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions. (2.) The hardware is capable of being operated with one hand. (3.) Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately. (4.) Loss of power to the locking system automatically unlocks the door. (5.) Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electromagnetic lock. (6.) The locking system units shall be listed in accordance with UL 294.

Adopt	Item (5.)	(5.) The activation of manual fire alarm boxes that activate the fire alarm system shall not be required to unlock the doors.
Amend	Item (6.)	(6.) Activation of the building automatic sprinkler system or fire detection system, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.
Amend	Item (7.)	(7.) The door locking system units shall be listed in accordance with UL 294.
Adopt	Item (8.)	(8.) Doors in buildings with an occupancy in Group A shall not be secured from the egress side during periods that the building is open to the general public.
Adopt	Item (9.)	(9.) Doors in buildings with an occupancy in Group R-3 or Group I-3 shall not be equipped with this locking system.
Adopt	Item (10.)	(10.) Doors serving any Group M occupancy shall be permitted to be equipped with this locking system in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
Adopt	Item (11.)	(11.) Emergency egress lighting shall be provided at the door.
Amend	Section 1010.2.12, Sensor Release of Electrically Locked Egress Doors.	
Adopt	Exception	The activation of manual fire alarm boxes that activate the building fire-protective signaling system shall not be required to unlock the door leaves.
Amend	Section 1010.2.13, Delayed Egress.	Delayed egress locking systems shall be permitted to be installed on doors serving the following occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
Amend	Item (3)	Group A, other than the main entrance/exit doors.
Amend	Section 1010.2.13.1, Delayed Egress Locking System.	
Amend	Item (5.)	The egress path from any point shall not pass through more than one delayed egress locking system.
Repeal	Exception	
Repeal	Item (1.)	
Repeal	Item (2.)	
Amend	Item (6.)	
Repeal	Exception	
Amend	Section 1020.2, Construction.	
Amend	Exception	
Adopt	Item (6.)	(6.) A fire-resistance rating is not required for corridors where the space or area served does not exceed the occupant load and common path of egress travel values, for each occupancy, listed in Table 1006.2.1. The travel distance to the exit from the space or area served shall not exceed the common path of travel.
Amend	Section 1020.6, Air Movement in Corridors.	Corridors that require protection under Table 1020.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.
Amend	Section 1027.6	
Amend	Exceptions	
Adopt	Item (5)	(4.) Exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.
Amend	Section 1031.2	
Amend	Exception	
Amend	Item (6)	(4.) In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
Repeal	Section 1207, Enhanced Classroom Acoustics.	
Amend	1507.1.2, Ice barriers.	An ice barrier shall be installed for asphalt shingles, <i>metal roof shingles</i> , mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles, and wood shakes. The ice barrier shall consist of not less than two layers of <i>underlayment</i> cemented together, or a self-adhering polymer modified bitumen sheet shall be used in place of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the <i>exterior wall</i> line of the building.
Amend	1507.2.7, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.5.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.6.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.7.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.8.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.9.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.16.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.17.4.2, Ice barrier	An ice barrier consisting of not fewer than two layers of <i>underlayment</i> cemented together or of a self-adhering polymer modified bitumen sheet shall be used instead of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the <i>exterior wall</i> line of the building.

Amend	Section 1603.1.5, Earthquake Design Data.	The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building: a. seismic importance factor, I, and occupancy category; b. mapped spectral response accelerations, SS and S1; c. site class; d. spectral response coefficients, SDS and SD1; e. seismic design category; f. basic seismic-force-resisting system(s); g. design base shear; h. seismic response coefficient(s), CS; i. response modification factor(s), R; j. analysis procedure used;
Adopt	Exceptions	
Adopt	Item (1.)	(1.) Construction documents that are not required to be prepared by a registered design professional;
Adopt	Item (2.)	(2.) Construction documents for structures that are assigned to Seismic Design Category A.
Amend	Section 1609.2, Protection of Openings.	In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows: a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996. b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.
Amend	Exceptions	
Amend	Item (1.)	(1.) Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where $V_{wind}$ determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).
Amend	Item (2.)	(2.) Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected.
Amend	Item (3.)	(3.) Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.
Amend	Section 1612.4, Design and Construction.	
Repeal	Referenced ASCE 24-14, Freeboard.	Delete Referenced ASCE 24-14 Freeboard requirements and Table 1-1, Flood Design Class of Buildings and Structures.
Amend	Section 1613.1, Scope.	Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.
Amend	Chapter 29	
Adopt	Chapter 29	All plumbing provisions located in this Chapter shall reference 2021 IPC with Louisiana Amendments.
Repeal	Section 3001.2, Emergency Elevator Communication Systems.	
Amend	Section 3113, Relocatable Buildings.	Relocatable Buildings constructed on or after January 1, 2007 Shall conform to the Louisiana Industrialized Building Act. Relocatable Buildings constructed prior to January 1, 2007 shall meet the requirements of Section 3113.3.
Amend	Section 3313.2, Supplemental Information.	Supplemental information specific to a relocatable building shall be submitted to the authority having jurisdiction. It shall, as a minimum, include the following:
Adopt	Item (1)	Each relocatable module constructed after January 1, 2007 shall conform with the Louisiana Industrialized Buildings Act and shall have a data plate that is permanently attached on or adjacent to the electrical panel, and shall include the following information: Occupancy group. Manufacturer's name and address. Date of manufacture. Serial number of module. Design wind speed. Special limitations if any.
Adopt	Exception:	Buildings without Data Plate shall meet requirements of Section 3113.3 and remaining requirements of this section.
Adopt	Item (2)	Foundation Design Documents.
Adopt	Item (3)	Site-built structure or appurtenance attached to the relocatable building.
Amend	3113.3, Buildings Built prior to January 1, 2007.	Relocatable buildings without a data plate shall be inspected and certified by one of the following methods:
Adopt	Item (1)	Inspection and acceptance by Local Building Official to meet the code requirements in place at time of construction.

Adopt	Item (2)	Inspection and acceptance by a third party inspector registered with LSUCCC to meet the code requirements in place at time of construction.
Adopt	Item (3)	Recertification and acceptance to current code and requirements of the Louisiana Industrialized Building Act.
Repeal	Section 3313, Fire Protection During Construction	
Repeal	Section 3314, Fire Watch During Construction	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 45:1786 (December 2019), amended LR 48:2578 (October 2022).

**§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)**

A. *International Existing Building Code* (IEBC), 2021 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state.

Repeal	Section 502.6, Enhanced Classroom Acoustics
Repeal	Section 503.16, Enhanced Classroom Acoustics
Repeal	Section 506.6, Enhanced Classroom Acoustics

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

Amend	Chapter 2, Definitions	
Adopt	Human Consumption	The use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.
Adopt	Accessory Dwelling Unit (ADU)	Is a structure, accessory to and incidental to that of the dwelling, and that is located on the same lot. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory Dwelling units shall be designed and constructed in accordance with the Louisiana State Uniform Construction Code. This shall include plan review and inspection by a currently registered LSUCCC inspector.
Adopt	Lead Free	(a). in general:
Adopt		1. not containing more than 0.2 percent lead when used with respect to solder and flux; and;
Adopt		2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;
Adopt		B. calculation:
Adopt		1. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: a. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41: 2383 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), repromulgated LR 45:916 (July 2019), amended LR 48:2582 (October 2022).

**§107. International Residential Code (Formerly LAC 55:VI.301.A.3.a)**

A.1. *International Residential Code*, 2021 Edition, not including Parts I-Administrative, and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. 2021 *International Residential Code*, Appendix AQ, Tiny Houses, with inspections on site and or in the manufacturing plant as required by the LSUCCC regulations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

Adopt	Section R302.1, Exterior Walls.	
Adopt	Exception	
Adopt	Item (1.)	(1.) On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding: (a.) a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside; (b.) a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.
Amend	2021 IRC Section 313.1, Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.1.
Amend	2021 IRC Section 313.2, One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.2.1, Design and Installation.
Amend	Section R315.2.1, New Construction.	
Adopt	Item (3)	The dwelling unit utilizes a permanent fuel fired appliance including a standby generator is installed outside. Carbon Monoxide alarms are to be installed inside of each separated sleeping room and one in the living area.
Amend	Section 315.2.2, Alterations repairs and additions.	
Adopt	Item (4)	When a permanent fuel fired appliance including a standby generator is installed outside. Carbon monoxide alarms are to be installed inside of each separate sleeping room and one in the living area.
Amend	Section R317.1	
Amend	Item (8)	
	Exception	
	Item (1)	Sawn lumber used in buildings located in a geographical region where experience has demonstrated that climatic conditions preclude the need to use naturally durable or preservative-treated wood where the structure is exposed to weather. "The committee felt the State of Louisiana did not have such a geographical region to preclude and the "experienced" was not well defined.
Amend	Section R322.2.1, Elevation Requirements.	
Amend		Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation or the design flood elevation.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height of not less than the highest adjacent grade as the depth number specified in feet (mm) on the FIRM or not less than 2 feet if a depth number is not specified.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		Basement floor that are below grade on all sides shall be elevated to or above base flood elevation or the design flood elevation, whichever is higher.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Section R322.3.2, Elevation requirements	
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Item (1.)	Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation or the design flood elevation, whichever is higher.
Amend	Section R506.2.3	A minimum 6 mil (0.006 inch) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.
Amend	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16" wood structural panels (Table R602.10.4 CS-WSP), or it's structural equivalent as per an ICC-ESR and approved by the local building official.
Amend	Section 905.1.2, Ice Barriers.	An ice barrier shall be installed for asphalt shingles, metal roof shingles, mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles and wood shakes. The ice barrier shall consist of not fewer than two layers of <i>underlayment</i> cemented together, or a self-adhering polymer-modified bitumen sheet shall be used in place of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the exterior wall line of the building. On roofs with slope equal to or greater than 8 units vertical in 12 units horizontal (67-percent slope), the ice barrier shall also be applied not less than 36 inches (914 mm) measured along the roof slope from the eave edge of the building.

Amend	Section R905.2.7, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.4.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.5.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.6.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.7.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.8.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.16.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.17.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.17.4, Ice Barrier.	An ice barrier that consists of not less than two layers of <i>underlayment</i> cemented together or of a self-adhering polymer-modified bitumen sheet shall be used in lieu of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the exterior wall line of the building.
Amend	Section R 1006.1, Exterior Air.	Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion.
Substitute	Chapter 11, Energy Efficiency.	Substitute Chapter 11, Energy Efficiency of the 2009 IRC, in lieu of Chapter 11, Energy Efficiency of the 2021 IRC.
Adopt	Section N1101.9.1, Louisiana Insulation Certificate requirement.	A State of Louisiana Insulation Certificate shall be permanently posted in a utility area.
Adopt	Section N1101.9.2, Louisiana Insulation Certificate Template.	

**State of Louisiana Insulation Certificate**  
Permanently attach this certificate in a utility area

Install Date   
Permit Number

Area Insulated	R-Value		Thickness in Inches	Cell Density Open or Close	Ignition Barrier
Attic under Sheathing	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Attic Ceiling	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Sloped Ceiling	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Walls	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Knee Walls	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Under First Floors	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other	<input type="text"/>	at	<input type="text"/>	<input type="text"/>	<input type="text"/>

Jobsite Address	<input type="text"/>
Contractor/License No.	<input type="text"/>
Insulation Contractor	<input type="text"/>
Installer/Applicator	<input type="text"/>
Manufacture Product Batch Number	<input type="text"/>

**The Packet Contains**

- One copy of packet to Home Owner
- Upload packet to permitting office

- Insulation Certificate
- Manufacturer's MSDS
- 3rd party Name and Performance Report
- Applicator's Manufacturer's Training Certificate.

Amend	Section N1102.2.1, Ceilings with attic spaces.	
Adopt	Exception	
	Item (1.)	(1.) When the thermal covering at the roof line creates an unvented attic: (a.) Proper sizing or modification of the HVAC system to the current code is required. (b.) Any insulation between the sealed, conditioned attic space and the living space must be removed. (c.) Exception: The space under appliances located in a sealed, conditioned attic may remain in place if sealed from the attic space. It is less than 10% of the total conditioned attic floor, and the appliances are approved for use in a sealed attic. (d.) There shall be no outside attic ventilation and all openings must be blocked with rigid material and are sealed, in accordance with the ICC IRC Chapter 8 "Roof-Ceiling Construction".
Amend	Section N1102.2.6, Floors.	Subfloor insulation shall provide or be installed in permanent contact with a rigid air barrier material. If the building is cooled with air conditioning subfloors in any vented crawl space shall be insulated with an airtight, class II vapor retarder insulation system (perm < 1.0).

Adopt	Exception	
Adopt	Item (1.)	(1.) Plastic Spray Foam cannot be applied to finish flooring where no subfloor exists.
Amend	Section N1102, Access Hatches and Doors.	Access doors from conditioned spaces to unconditioned spaces shall be weather-stripped and have a minimum insulation value of an R-4.
Amend	Section N1102, Air Sealing and Insulation.	The air tightness demonstration method of compliance is to be determined by the contractor, design professional or homeowner.
Amend	Section N1102.4.2.1, Testing Option.	Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. When the contractor, design professional or homeowner chooses the blower door testing option, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.2.1 Testing Option are attained.
Amend	Section N1102.4.3, Fireplaces	New wood-burning fireplaces shall have outdoor combustion air.
Adopt	Section N1102.4.6, Rooms containing fuel-burning appliances.	Where open combustion air ducts provide combustion air to open combustion fuel burning appliances, the appliances and combustion air openings shall be located outside the thermal envelope or enclosed in a room, isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of N1102.1 (different from R402.12) where the walls, floors, and ceilings shall meet not less than the basement wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section N1103 (different than Section 403). The combustion air duct shall be insulated where it passes through conditioned space to a minimum of R-6.
Adopt	Exceptions	
Adopt	Item (1.)	(1.) Direct vent appliances with both intake and exhaust pipes installed continuous to the outside.
Adopt	Item (2.)	(2.) Fireplaces and stoves complying with Section R1006 of the <i>International Residential Code</i> .
Amend	Section N1103.2.1, Insulation.	Supply and return ducts in attics shall be insulated to a minimum of R-6.
Amend	Section N1103.2.2, Sealing.	Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with section M1601.4. Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum requirements of Section N1103.2.2, Sealing, are attained.
Adopt	Exception	
Adopt	(1.) HVAC Contractors	(1.) HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.
Amend	Section N1103.2.2, Sealing	Joints and seams shall comply with section M1601.4. Duct tightness shall be verified by either for the following:
Amend	Post-Construction Test	Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
Amend	Rough-In Test	Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft <sup>2</sup> (9.29 m <sup>2</sup> ) of conditioned floor area.
Amend	Exception	
Amend	Item (1.)	(1.) Duct tightness test is not required if the air handler and all ducts are located within conditioned space.
Adopt	Section N1103.5.1, Bathroom Exhaust.	Homes utilizing insulation to create an unvented attic shall have bath fans properly sized and installed according to manufacturing recommendations, shall be vented to the outside and shall be performance verified after installation.
Amend	Section N1103.8.3, Pool Covers.	Pool covers shall not be required to meet the energy efficiency requirements of this Section.
Amend	Section M1307.3.1, Protection from Impact.	Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers.
Amend	Section M1402.1, General.	Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1403.1, Heat Pumps.	Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1412.1, Approval of Equipment.	Absorption systems shall be installed in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1413.1, General.	Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed per items 1-5:
Amend	Section M1505.4.1, System Design.	The whole-house ventilation system shall consist of a combination of supply and exhaust fans, and associated ducts and controls. Local exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.
Amend	Section M1505.4.2, System Controls.	The whole-house mechanical ventilation system shall be provided with controls that enable manual override and a method of air-flow adjustment.
Repeal	Section M1505.4.3, Mechanical Ventilation Rate.	

Amend	Section M1507.4, Minimum Required Local Exhaust.	Local exhaust systems shall be designed to have the capacity to exhaust the minimum air flow rate as follows:
Amend	Item (1.)	(1.) Kitchen: 100 cfm intermittent or 25 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Item (2.)	(2.) Bathrooms: exhaust capacity of 50 cfm intermittent or 20 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Section M2006.1, General.	Pool and spa heaters shall be installed in accordance with the manufacturer's installation instructions. Oil-fired pool heaters shall comply with UL 726. Electric pool and spa heaters shall comply with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.
Amend	Section P2502.2	
Adopt	Exception	
Adopt	Repairs to Drainage System via Re-Route	In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be and sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.
Adopt	Section 2503.1, Drainage and Vent Testing.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section P2503.4, Building sewer testing.	The testing of building and public sewer systems shall be performed by the installer using a 10' water head.
Amend	Section P2503.6, Testing of Shower Receptacles.	Testing of shower receptacles shall be the responsibility of the installer.
Amend	Section P2603.5, Freezing.	In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2(1) of this code, a water pipe and/or sanitary traps shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.
Amend	Section P2706.1, General.	For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the waste outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums or interstitial spaces above ceilings and below floors. Waste receptors shall be accessible.
Amend	Section P2725, Nonliquid Saturated Treatment Systems.	
Amend	Section P2725.1	
Adopt	Exception	
Adopt	Item (1.)	(1). Compost toilets are prohibited.
Amend	Section P2804.6.1, Requirements for discharge pipe.	(5.) Discharge to the floor, a waste receptor, mop sinks or to the outdoors.
Amend	Section P2708.2, Shower Drain.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter.
Repeal	Section P2903.10, Hose bibb.	
Adopt	Section P2902.5.6, Connections to swimming pools.	The potable water supply to swimming pools shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Adopt	Section P2902.5.7, Connections to animal watering troughs, ornamental fountains, or other similar equipment.	The potable water supply to animal watering troughs, ornamental fountains, or other similar fixtures shall be protected against backflow by an air gap.
Amend	Section P2905	The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 100 feet (15 240 mm). Recirculating system piping and heat-traced piping shall be considered to be sources of hot or tempered water.
Repeal	Section P2905.1, Heated Water circulation systems and heat trace systems.	
Repeal	Section P2905.2	
Amend	Section P2906.2.1, Lead content of water supply pipe and fittings used for human consumption.	Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free. i. Exception: The lead free requirement above shall not apply to: (a.) leaded joints necessary for the repair of existing cast iron pipes; (b.) fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or (c.) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

Amend	Section P2906.6, Fittings.	Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table P2905.6. All pipe fittings used in water supply systems shall also comply with NSF 61. All copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.
Amend	Table P2906.6	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D2846; ASTM F 437; ASTM F 438;
	ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15;
	ASME B 16.18; ASME B 16.22; AS ME B 16.26
Cross-linked polyethylene/aluminum high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960;
	ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2735;
	F 2434; ASTM F 2735; CSA B 137.5
Gray iron and ductile iron	AWWACH10; AWWACI53
Malleable iron	ASME B16.3
Insert fittings for Polyethylene/aluminum/polyethylene (pE-AL-PE) and cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9;
	CSA B137.10
Polyethylene (PE) plastic	CSA B137.1
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B 137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B 137.2;
	CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778
Steel	ASME B 16.9; ASME B16.11; ASME B16.28

Adopt	Section P2914, Separation of Water Service from Contamination.	
Adopt	Section P2914.1, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).	Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.
Adopt	Section P2914.2, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.	Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.
Adopt	Section P2914.3, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.	Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

Adopt	Section P2914.4, Reclaimed Water Lines.	Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of Section 2906.4.1 for the protection of potable water lines.
Amend	Chapter 30, Sanitary Drainage.	
Amend	Section P3005.2.2, Building sewers.	Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet (30 480 mm). Building sewers 8 inches (203 mm) and larger shall have a manhole located not more than 80 feet from the junction of the building drain and building sewer and at intervals of not more than 400 feet (122 m). The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer.
Adopt	Section P3005.6, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
Amend	Section P3104.1, Connection.	Individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.
Repeal	Exception	Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Item (1.)	(1.) Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Section P3114, Air Admittance Valves.	
Repeal	Chapter 44-ANCE.	Association of the Electric Sector Av. Lázaro Cardenas No. 869 Col. Nueva Industrial Vallejo C.P. 07700 México D.F.  NMX-J-521/2-40-ANCE—2014/ CAN/CSA-22.2 No. 60335-2-40—12/ UL 60335-2-40  Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Heat Pumps, Air-Conditioners and Dehumidifiers M1403.1, M1412.1, M1413.1
Amend	Chapter 44-CSA.	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516  CSA/ C22.2 No. 60335-2-40-2019  Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers M1402.1, M1403.1, M1412.1, M1413.1, M2006.1
Amend	Chapter 44-UL.	UL LLC 333 Pfingsten Road Northbrook, IL 60062  UL 60335-2-40-2019  Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers M1402.1, M1403.1, M1412.1, M1413.1, M2006.1

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022).

**§109. International Mechanical Code (Formerly LAC 55:VI.301.A.4)**

A. *International Mechanical Code* (IMC), 2021 Edition, and the standards referenced in that code for regulation of construction within this state.

Amend	Table 1103.1, Refrigerant Classification, Amount and OEL.	
Amend	Footnote:	
Amend	Item (C.)	The ASHRAE Standard 34 flammability classification for this refrigerant is A2L.
Amend	Section 1104.3.1, Air conditioning for human comfort.	High probability systems used for human comfort shall use Group A1 or A2L refrigerant. In other than industrial occupancies where the quantity in a single independent circuit does not exceed the amount in Table 1103.1, Group B1, B2 and B3 refrigerants shall not be used in high-probability systems for air conditioning for human comfort.
Amend	Section 1107.5, Pipe Fittings.	Refrigerant pipe fittings shall be approved for installation with the piping materials to be installed, and shall conform to one of more of the standards listed in Table 1107.5 or shall be approved for installation with the piping materials to be installed, and listed and labeled as complying with UL 109 . Additionally, all fittings listed and labled as complying with UL 109 shall be required to be based on the pipe or tube size as specified in the “Gas fittings, all types” column of UL 109, Table 7.1 “Pull Strength Test”. Refrigeration fittings not having male or female parts, shall be affixed according to allow for all performance testing specified in UL 109.
Amend	Section 1108.4, Aluminum tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, approved flare, or welded joints conforming to Section 1108.3.
Amend	Section 1108.5, Brass (copper alloy) pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.6, Copper pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.7, Copper tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed or approved flare.
Amend	Section 1108.8, Steel pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.9, Steel Tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be approved flared or welded joints conforming to Section 1108.3.
Amend	Reference Standard UL 109-97	Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service and Marine Use, 1107.5, Table 1101.2
Amend	Chapter 15- CSA.	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516  CSA/ C22.2 No. 60335-2-40-2019  Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers 908.1, 916.1, 918.1, 918.2, 1101.2
Amend	Chapter 15- UL.	UL LLC 333 Pfingsten Road Northbrook, IL 60062  UL 60335-2-40-2019  Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers 908.1, 916.1, 918.1, 918.2, 1101.2

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:81 (January 2018); repromulgated LR 45:918 (July 2019), LR 48:2588 (October 2022).

**§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)**

A. The *International Plumbing Code*, 2021 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

Amend	Chapter 1	
Amend	Section [A] 101.2, Scope.	The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the <i>International Fuel Gas Code</i> . Provisions in the appendices shall not apply unless specifically adopted.
Adopt	Item (a.)	(a.) Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health from the following:
Adopt	Item (1.)	(1.) Regulating stored water temperatures through enforcement of the <i>Sanitary Code</i> ;
Adopt	Item (2.)	(2.) Regulating medical gas and medical vacuum systems.
Amend	Exception	
Amend	Item (1.)	1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the <i>International Residential Code</i> .
Amend	Chapter 2, Definitions.	
Adopt	<i>Adult Day Care Center</i>	Any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home. <u>This definition would not include Applied Behavior Analyst occupancies.</u>
Adopt	<i>Applied Behavior Analyst</i>	An expert on the science of behavior and how it is applied to problems of individual and social significance, who works with people across the lifespan, with the goal to improve the lives of individuals and those who care for them.
Adopt	<i>Barometric Loop</i>	A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.
Amend	<i>Building Drain</i>	That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer:
Repeal		Delete definition <i>Combined—Building Drain</i> —“See building drain, combined”.
Amend		<i>sanitary</i> —a building drain that conveys sewage only;
Amend		<i>storm</i> —a building drain that conveys storm water or other drainage, but not sewage
Amend	<i>Building Sewer</i>	That part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal:
Repeal		Delete definition <i>Combined Building Sewer</i> —“See <i>Building sewer, combined</i> ”.
Amend		1. <i>sanitary</i> —a building drain that conveys sewage only;
Amend		2. <i>storm</i> —a building drain that conveys storm water or other drainage, but not sewage.
Adopt	<i>By-Pass</i>	any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer
Adopt	<i>Child Day Care Center</i>	any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven-day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center. This definition would not include Applied Behavior Analyst occupancies.
Adopt	<i>Commercial Treatment Facility</i>	any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.
Adopt	<i>Community Sewerage System</i>	any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.
Adopt	<i>Containment</i>	a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.
Adopt	<i>Continuous Water Pressure</i>	a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.
Adopt	<i>Day Care Centers</i>	includes adult and child day care centers.
Adopt	<i>Degree of Hazard</i>	an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.
Adopt	<i>Domestic Well</i>	a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.
Adopt	<i>Dual Check Valve</i>	a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks; generally employed immediately downstream of the water meter.
Adopt	<i>Fixture Isolation</i>	a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.
Adopt	<i>Grade (G)</i>	normally, this references the location of some object in relation to either the floor or ground level elevation.
Adopt	<i>Gravity Grease Interceptor</i>	plumbing appurtenances of not less than 125 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
Adopt	<i>Human Consumption</i>	the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.
Adopt	<i>Individual Sewerage System</i>	any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII,Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.
Repeal		Delete definition <i>Individual Water Supply</i> —a water supply that serves one or more families, and that is not an approved public water supply.
Adopt	<i>Lead Free</i>	A. in general:

Adopt		1. not containing more than 0.2 percent lead when used with respect to solder and flux; and
Adopt		2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;
Adopt		B. calculation:
Adopt		1. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:
Adopt		a. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.
Adopt	<i>Major Plumbing Renovation (water bottle filling station)</i>	A renovation to an existing school building means the replacement, repair, alteration, or upgrade of water systems or fixtures within an existing facility, which involves more than fifty percent of the fixtures in the facility, even if such renovation does not include any structural change to the facility. Such renovation shall not include repairs done as a result of damages from a natural disaster.
Adopt	<i>Master Meter</i>	a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered
Adopt	<i>Potable Water Supply</i>	a publicly owned or privately owned water supply system which purveys potable water.
Adopt	<i>Preschool</i>	any child less than five years of age
Adopt	<i>Private Water Supply</i>	a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.
		Delete definition <i>Public Water Main</i> —a water supply pipe for public use controlled by public authority
Adopt	<i>Public Water Supply</i>	public water system.
Adopt	<i>Public Water System</i>	a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an average of at least 25 individuals daily at least 60 days out of the year.
Adopt	<i>Putrescible Waste</i>	waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses
Adopt	<i>Residential Facility</i>	any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.
Note	<i>Sanitary Sewage</i>	see <i>sewage</i>
Amend	<i>Sewer</i>	a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes:
Amend		1. <i>building sewer</i> —see “ <i>building sewer</i> ”;
Amend		2. <i>public sewer</i> —a common sewer directly controlled by a public authority or utilized by the public;
Amend		3. <i>sanitary sewer</i> —a sewer that carries sewage and excludes storm, surface and ground water;
Amend		4. <i>storm sewer</i> —a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.
Adopt	<i>Sewerage System</i>	any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.
Adopt	<i>Water Bottle Filling Station</i>	A water dispenser, accessible to all people in compliance with the federal Americans with Disabilities Act of 1990 that dispenses clean drinking water directly into a bottle or other drinking container. A water bottle filling station shall be considered a drinking fountain for purposes of the International Plumbing Code, as incorporated within the State Uniform Construction Code.
Amend	<i>Water Main</i>	a water supply pipe or system of pipes installed and maintained by a city, township, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not limited to, those public water systems which are not owned by the public and which may not be on public property.
Adopt	<i>Water Supplier</i>	a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.
Amend	<i>Water Supply System</i>	the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.
Repeal	<i>Well-Bored</i>	a well constructed by boring a hole in the ground with an auger and installing a casing.
Repeal	<i>Well-Drilled</i>	a well constructed by making a hole in the ground with a drilling machine of any type and installing a casing and screen.
Repeal	<i>Well-Driven</i>	a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.
Repeal	<i>Well-Dug</i>	a well constructed by excavating a large-diameter shaft and installing a casing.
Amend	Chapter 3, General Regulations.	
Amend	Section 301.6.	
Amend	Exception	
Adopt	Item (2)	Sumps may drain to exterior of building, storm drain or other means when approved by the authority having jurisdiction.
Amend	Section 312.1, Required Tests.	The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the

		following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.
Amend	Section 312.3, Drainage and Vent Test.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section 312.5, Water Supply System Test.	Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 108.
Amend	Section 312.10 Installation, Inspection and Testing of Backflow Prevention Assemblies, Barometric Loops and Air Gaps.	Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.
Amend	Section 312.10.1, Inspections.	Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.
Amend	Section 312.10.2, Testing.	Reduced pressure principle, double-check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC and HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired. Test gauges shall comply with ASSE 1064.
Adopt	Section 312.10.3, Owner Responsibilities.	The owner of the backflow prevention assemblies shall comply with the following:
Adopt		1. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.
Adopt		2. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.
Adopt		3. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least five years and, upon specific request, shall be made available to the building official or water supplier.
Adopt		4. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.
Amend	Chapter 4	
Amend	Section 403.1, Fixture Calculations.	
Amend	Table 403.1	
Amend	Footnote (f.)	The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with the following:
Adopt	Item (1.)	Facilities that have less than 7500 gross square feet (697 m <sup>2</sup> ) of water area available for bather access shall have not less than one water closet for males, one urinal for males, one lavatory for males, one shower for males, two water closets for females, one lavatory for females and one shower for females.
Adopt	Item (2)	Facilities that have 7500 gross square feet (697 m <sup>2</sup> ) or more of water area available for bather access shall have not less than 0.7 water closet for males, one urinal for males, 0.85 lavatory for males, one shower for males, two water closets for females, one lavatory for females and one shower for females for every 7500 square feet (697 m <sup>2</sup> ) or portion thereof. Where the result of the fixture calculation is a portion of a whole number, the result shall be rounded up to the nearest whole number.
Amend	Footnote (e.)	For business and mercantile classifications with an occupant load of 25 or fewer, service sinks shall not be required except for Day Care Centers and Food (consumable) establishments such as restaurants, bar/lounge etc.
Amend	Section 403.1.1.	
Amend	Exceptions	
Amend	Item (2.)	Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a room.
Adopt	Item (4)	Child day care occupancies shall not be required to have bathtubs or showers.
Amend	Section 403.2, Separate facilities.	
Amend	Exception	
Amend	Item (6.)	Separate facilities shall not be required where rooms, created by walls from floor to ceiling, with a solid door, having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets is provided in accordance with Section 405.3.4. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a room.
Adopt	Item (7.)	Separate facilities shall not be required for existing tenant spaces under 1800 sq. ft. where the occupancy classification is either B or M.

Amend	Section 403.3.3, Location of Toilet Facilities in Occupancies other than Malls and Educational Buildings.	In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).
Amend	Exceptions	
Adopt	Item (3.)	In mini-storage facilities where the access is for outdoor use only a restroom is not required.
Adopt	Item (4.)	A single user toilet facility shall be installed in climate controlled mini-storage facilities and mini-storage facilities for outdoor use only which contain an onsite office.
Adopt	Section 403.3.7, Location of Toilet Facilities in Educational Buildings.	For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:
Adopt		1. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;
Adopt		2. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and
Adopt		3. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).
Adopt	Section 403.6, Other Fixture Requirements for Licensed Pre-schools, Day Care Centers, and Residential Facilities.	Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.
Amend	Section 403.6.1, Food Preparation.	The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal.
Amend	Section 403.6.2, Caring for Children between 0 and 4 Years of Age.	In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.
Amend	Section 403.10.3.1, Minimum Number.	Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the International Building Code. Public schools shall refer to Section 410 for water bottle filling stations.
Amend	Section 410, Drinking Fountains.	
Amend	Section 410.2, Small occupancies.	Drinking fountains shall not be required for an occupant load of 25 or fewer.
Adopt	Section 410.3.3, Public Schools.	Any new school building and any existing school building that undergoes a major plumbing renovation shall include the following:
Adopt	Item (1.)	At least one water bottle filling station per two hundred people projected to occupy the school building.
Adopt	Item (2)	At least one water bottle filling station on each floor of the school building.
Adopt	Item (3)	At least one water bottle filling station located near all cafeterias, gymnasiums, outdoor recreation spaces, and other high-traffic areas
Adopt	Exceptions	
Adopt	Item (1)	A city, parish, or other local public school board may install more filling stations as deemed appropriate.
Adopt	Item (2)	Plans for an existing school building may include retrofitting existing drinking fountains into water bottle filling stations.
Amend	Section 410.4, Substitutions.	Where restaurants, daycare centers, bars, lounges, taverns occupancies provide drinking water in a container free of charge, drinking fountains shall not be required in those occupancies. In other occupancies where three or more drinking fountains are required, water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.
Adopt	Section 410.6, Minimum Required Separation from Contamination.	Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].
Adopt	Exceptions	
Adopt		1. This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.

Adopt		2. Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells.”
Amend	Section 413, Floor and Trench Drains.	
Adopt	Section 413.5 <sub>2</sub> , Miscellaneous Areas.	
Adopt		1. A floor drain shall be required in public toilet rooms, excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.
Adopt		2. A floor drain shall be required in the recess room for sterilizers in a medical facility.
Adopt		3. Floor drains are not permitted in general food storage areas, unless in accordance with Section 802.1.1 or 802.1.2 of this code.
Amend	Section 421.3, Shower Waste Outlet.	Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.
Adopt	Section 421.4, Handwash Sinks.	
Adopt		1. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.
Adopt		2. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.
Adopt		3. A hand washing sink may not be used for purposes other than hand washing.
Adopt		4. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.
Adopt	Section 421.5, Manual Warewashing, Sink Requirements.	A sink with at least three compartments constructed of smooth, impervious non-corrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.
Adopt	Section 422.11, Handwashing Facilities.	Medical facilities, including doctor’s office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.
Amend	Exception	1. In healthcare setting such as doctor’s offices and clinics where there is no reasonably anticipated exposure to blood or other potentially infectious materials (OPIM), where hands are not expected to be visibly soiled and clinical situations described in items 1C-J (IA) (74,93,166,169,283,294,312,398) are followed, use of an alcohol-based hand rub for routinely decontaminating hands shall be allowed in lieu of handwashing facilities. The design professional shall provide documentation to the building official specifying the anticipated exposure.
Amend	Chapter 5, Water Heaters.	
Amend	Section 504.6	5. Discharge to the floor, to a waste receptor, mop sinks or to the outdoors
Amend	Section 504.7.1, Pan Size and Drain.	The drain pan shall be a minimum of 2-inches (2”) (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.
Amend	Chapter 6	
Amend	Chapter 6, Water Supply and Distribution.	
Amend	Section 602.3, Individual Water Supply.	Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.
Repeal		1. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1.
Adopt	Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).	Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.
Adopt	Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.	Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.
Adopt	Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.	Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

Adopt	603.6, Reclaimed Water Lines.	Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.
Amend	Section 605.2.1, Lead Content of Water Supply Pipe and Fittings used for Human Consumption.	Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.
Adopt	Exceptions	The lead-free requirement above shall not apply to:
Adopt		1. leaded joints necessary for the repair of existing cast iron pipes;
Adopt		2. fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
Adopt		3. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
Amend	Section 605.3, Water Service Pipe with Corresponding Table 605.3.	Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4 degrees F (23 degrees C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104/A21.4.
Amend	Table 605.3—Water Service Pipe.	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 43 ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

Amend	Section 605.3.1, Dual Check-Valve-Type Backflow Preventer.	Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.
Amend	Table 605.4, Water Distribution Pipe.	

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 43 ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

Amend	Section 605.5, Fittings.	Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table 605.5. Pipe fittings utilized in water supply systems shall also comply with NSF 61. Ductile and gray iron pipe fittings shall be cement mortar lined in accordance with AWWA C104/A21.4. All copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited
Amend	Table 605.5 Pipe Fittings.	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B 16.18; ASME B 16.22; AS ME B 16.26 ASTM F3226
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B 137.5
Gray iron and ductile iron	AWWAC110; AWWAC153

		<table border="1"> <tr><td>Malleable iron</td><td>ASMEBI6.3</td></tr> <tr><td>Insert fittings for</td><td>ASTM F 1974; ASTM F</td></tr> <tr><td>Polyethylene/aluminum/polyethylene</td><td>1281; ASTM F 1282; CSA</td></tr> <tr><td>(pE-AL-PE) and cross-linked</td><td>B137.9;</td></tr> <tr><td>polyethylene/aluminum/polyethylene (PEX-AL-PEX)</td><td>CSA B137.10</td></tr> <tr><td>Polyethylene (PE) plastic</td><td>CSA B137.1</td></tr> <tr><td>Fittings for polyethylene of raised temperature (PE-RT) plastic tubing</td><td>ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735</td></tr> <tr><td>Polypropylene (PP) plastic pipe or tubing</td><td>ASTM F 2389; CSA B 137.11</td></tr> <tr><td>Polyvinyl chloride (PVC) plastic</td><td>ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B 137.2;</td></tr> <tr><td></td><td>CSA B137.3</td></tr> <tr><td>Stainless steel (Type 304/304L) pipe</td><td>ASTM A 312; ASTM A 778</td></tr> <tr><td>Stainless steel (Type 316/316L) pipe</td><td>ASTM A 312; ASTM A 778</td></tr> <tr><td>Steel</td><td>ASME B 16.9; ASME BI6.11; ASMEBI6.28</td></tr> </table>	Malleable iron	ASMEBI6.3	Insert fittings for	ASTM F 1974; ASTM F	Polyethylene/aluminum/polyethylene	1281; ASTM F 1282; CSA	(pE-AL-PE) and cross-linked	B137.9;	polyethylene/aluminum/polyethylene (PEX-AL-PEX)	CSA B137.10	Polyethylene (PE) plastic	CSA B137.1	Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735	Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B 137.11	Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B 137.2;		CSA B137.3	Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778	Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778	Steel	ASME B 16.9; ASME BI6.11; ASMEBI6.28
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Amend	Section 605.13.7, Push-fit joints	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.																										
Amend	Section 605.14.4, Push-fit joints.	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.																										
Amend	Section 605.16.3, Push-fit joints.	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.																										
Amend	Section 606.5.5, Low-Pressure Cutoff Required on Booster Pumps.	A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.																										
Amend	Section 607.2, Hot or tempered water supply to fixtures.	The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 100. Recirculating system piping and heat-traced piping shall be considered to be sources of hot or tempered water.																										
Amend	Section 608.1, General.	A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.																										
Amend	Section 608.9, Identification of Nonpotable Water.	Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking, metal tags or tape in accordance with Sections 608.8.1 through 608.8.3.																										
Adopt	Exception																											
Adopt		1. Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.																										
Amend	Section 608.15, Location of Backflow Preventers.	Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1 foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade (g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.																										
Amend	Section 608.16.4, Protection by a Vacuum Breaker.	Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.																										
Amend	Section 608.17, Connections to the Potable Water System.	Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.																										

Amend	Section 608.17.5, Connections to Lawn/Landscape Irrigation Systems.	The potable water supply to lawn/landscape irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When a lawn/landscape sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping and highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.
Amend	Section 608.17.8, Portable Cleaning Equipment.	Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.
Adopt	Section 608.17.11, Cooling Towers.	The potable water supply to cooling towers shall be protected against backflow by an air gap.
Adopt	Section 608.17.12, Chemical Tanks.	The potable water supply to chemical tanks shall be protected against backflow by an air gap.
Adopt	Section 608.17.13, Commercial Dishwashers in Commercial Establishments.	The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.
Adopt	Section 608.17.14, Ornamental Fountains.	The potable water supply to ornamental fountains shall be protected against backflow by an air gap.
Adopt	Section 608.17.15, Swimming Pools, Spas, Hot Tubs.	The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Adopt	Section 608.17.16, Baptismal Fonts.	The potable water supply to baptismal fonts shall be protected against backflow by an air gap.
Adopt	Section 608.17.17, Animal Watering Troughs.	The potable water supply to animal watering troughs shall be protected against backflow by an air gap.
Adopt	Section 608.17.18, Agricultural Chemical Mixing Tanks.	The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.
Adopt	Section 608.17.19, Water Hauling Trucks.	The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.
Adopt	Section 608.17.20, Air Conditioning Chilled Water Systems and/or Condenser Water Systems.	The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.
Adopt	Section 608.17.21, Pot-Type Chemical Feeders.	The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.
Adopt	Section 608.17.22, Food Processing Steam Kettles.	The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.
Adopt	Section 608.17.23, Individual Travel Trailer Pads.	The potable water supply to individual travel trailer pads shall be protected against backflow by a dual check valve backflow prevention assembly.
Adopt	Section 608.17.24, Laboratory and/or Medical Aspirators.	The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.17.25, Laboratory or other Sinks with Threaded or Serrated Nozzles.	The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.17.26, Mortuary/Embalming Aspirators.	The potable water supply to mortuary/embalming aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.
Adopt	Section 608.17.27, Room(s) or other Sub-Unit(s) of a Premise or Facility Receiving Water where Access is Prohibited.	When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.
Amend	Section 608.18, Protection of Individual Water Supplies.	An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:1 (Water Wells).

Repeal	Sections 608.18.1 through 608.18.8 including Table 608.18.1.	Delete Sections 608.18.1 through 608.18.8 including Table 608.18.1.
Adopt	Section 608.19, Containment Practices.	Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.19.1 through 608.19.2.
Adopt	Section 608.19.1, Containment Requirements.	As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.
Amend		Table 608.19.1, Containment Requirements.

<b>Air Gap</b>	
1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water	
<b>Reduced Pressure Principle Backflow Prevention Assembly</b>	
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics	
2. Funeral Homes, Mortuaries	
3. Car Wash Systems	
4. Sewage Facilities	
5. Chemical or Petroleum Processing Plants	
6. Animal/Poultry Feedlots or Brooding Facilities	
7. Meat Processing Plants	
8. Metal Plating Plants	
9. Food Processing Plants, Beverage Processing Plants	
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is required on unmetered fire lines)	
11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection	
12. Marinas/Docks	
13. Radiator Shops	
14. Commercial Pesticide/Herbicide Application	
15. Photo/X-ray/Film Processing Laboratories	
16. Multiple Commercial Units served by a master meter	
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium	
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge	
19. Premises where access/entry is prohibited	
<b>Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly</b>	
1. Irrigation/Lawn Sprinkler Systems	
<b>Double Check Valve Assembly</b>	
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is required on unmetered fire lines)	
2. Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term "commercial purposes" means any use other than residential.	
3. Three or more residential dwelling units served by a master meter	
4. Multistoried Office/Commercial Buildings (over 3 floors)	
5. Jails, Prisons, and Other Places of Detention or Incarceration	

Adopt	Section 608.19.2, Other Containment Requirements.	Table 608.19.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.19.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:
Adopt		1. as directed by the building code official; or
Adopt		2. as directed by the water supplier;
Adopt		3. in cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.
Adopt	Item (4.)	Where a backflow prevention device is installed above ground, any piping installed above ground shall be metallic piping, shall be of rigid quality and must comply with Table 605.4.
Amend	Chapter 7, Sanitary Drainage.	
Amend	Section 701.2, Sewer Required.	Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII (Sewage Disposal).
Adopt	Section 701.8, Repairs to Drainage System via Re-Route.	In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be and sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

Adopt	Section 703.7, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Amend	Section 705.2.4, Push-fit joints.	Push-fit DWV fittings shall be prohibited under building slab, shall be listed and labeled to ASME A112.4.4 and shall be installed in accordance with the manufacturer's instructions.
Amend	Section 705.10.4, Push-fit joints.	Push-fit joints shall be prohibited under building slab, shall conform to ASME A112.4.4 and shall be installed in accordance with the manufacturer's instructions.
Amend	Section 710.1, Maximum Fixture Unit Load.	The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).
Amend	Table 710.1(1).	

Diameter of Pipe (Inches)	Maximum Number of Drainage Fixture Units Connected to Any Portion of the Building Drain or the Building Sewer, Including Branches of the Building Drain <sup>a</sup>			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

<sup>a</sup> The minimum size of any building drain serving a water closet shall be 3 inches.

Amend	Table 710.1(2).	Table 710.1(2)—Horizontal Fixture Branches and Soil Stacks <sup>a</sup> .
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Diameter of Pipe (inches) (The minimum size of any branch or soil stack serving a water closet shall be 3".)	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Soil Stacks <sup>b</sup>		
		Total discharge into one branch interval when greater than three branch intervals	Total for soil stack when three branch intervals or less	Total for soil stack when greater than three branch intervals
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note c	Note c	Note c

For SI: 1 inch = 25.4 mm.

<sup>a</sup> Does not include branches of the building drain. Refer to Table 710.1(1).

<sup>b</sup> Soil stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required.

<sup>c</sup> Sizing load based on design criteria.

Adopt	Section 710.3, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
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Amend	Section 712.3.2.	The sump pit shall be not less than 18 inches (457 mm) in diameter and not less than 24 inches (610 mm) in depth, unless otherwise <i>approved</i> . The pit shall be accessible and located such that all drainage flows into the pit by gravity. The sump pit shall be constructed of tile, concrete, steel, plastic or other <i>approved</i> materials. The pit bottom shall be solid and provide permanent support for the pump. The sump pit shall be fitted with a gas-tight removable cover that is installed flush with grade or floor level, or above grade in outdoor installations. The cover shall be adequate to support anticipated loads in the area of use. The sump pit shall be vented in accordance with Chapter 9
Amend	Section 716.1, General.	This section shall govern the replacement of existing <i>building sewer</i> and piping by pipe-bursting methods.
Adopt	Exception	Building drains shall be installed in compliance with Section 316 when approved by the AHJ.
Amend	Section 716.2, Applicability.	The replacement of <i>building sewer</i> and piping by pipe-bursting methods shall be limited to gravity drainage piping of sizes 6 inches (152 mm) and smaller. The replacement piping shall be of the same nominal size as the existing piping.
Adopt	Exception	Building drains shall be installed in compliance with Section 316 when approved by the AHJ.
Amend	Section 717.1, General.	This section shall govern the relining of existing <i>building sewers</i> and building drainage piping is prohibited.
Adopt	Exception	Shall be allowed when installed in compliance with Section 316 and approved by the AHJ.
Amend	Section 718.1, Cure-in place.	Sectional cure-in-place rehabilitation of <i>building sewer</i> piping and sewer service lateral piping shall be installed in compliance with Section 316 and in accordance with ASTM F2599. Main and lateral cure-in-place rehabilitation of <i>building sewer</i> and sewer service lateral pipe and their connections to the main sewer pipe shall be in accordance with ASTM F2561. Hydrophilic rings or gaskets in cure-in-place rehabilitation of <i>building sewer</i> piping and sewer service laterals shall be in accordance with ASTM F3240 to ensure water tightness and elimination of ground water penetration.
Amend	Chapter 8, Indirect/Special Waste.	
Amend	Section 802.1.1, Food Handling.	Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes, but is not limited to, the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain-type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.
Amend	Section 802.4, Waste Receptors.	For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums, interstitial spaces above ceilings and below floors. Access shall be provided to waste receptors.
Amend	Chapter 9, Vents.	
Amend	Section 906.1, Size of stack vents and vent stacks.	The minimum required diameter of <i>stack vents</i> and vent <i>stacks</i> shall be determined from the <i>developed length</i> and the total of <i>drainage fixture units</i> connected thereto in accordance with Table 906.1, but in no case shall the diameter be less than one-half the diameter of the drain served or less than 1¼ inches (32 mm). As it relates to Table 906.1, vents for water closets and clinical sinks shall be a minimum of 2 inches in size.
Amend	Section 906.2, Vents other than stack vents or vent stacks.	The diameter of individual vents, branch vents, circuit vents and relief vents shall be not less than one-half the required diameter of the drain served. The required size of the drain shall be determined in accordance with Table 710.1(2). Vent pipes shall be not less than 1¼ inches (32 mm) in diameter. Vents exceeding 40 feet (12 192 mm) in developed length shall be increased by one nominal pipe size for the entire developed length of the vent pipe. Relief vents for soil and waste stacks in buildings having more than 10 branch intervals shall be sized in accordance with Section 908.2. Vents for water closets and clinical sinks shall be a minimum of 2 inches in size.
Amend	Table 909.1, Maximum Distance of Fixture Trap from Vent.	
Adopt	Footnote	The developed length between the trap of a water closet or similar fixture (measured from the top of the closet flange to the inner edge of the vent) and its vent shall not exceed 6 feet (1829 mm).
Repeal	Table 911.3, Common vent sizes.	
Amend	Section 911.4, Common vent connection.	Common vent sizing shall be the sum of the fixture units served but shall not be smaller than the minimum vent pipe size required for a fixture served, or by Section 906.1.
Amend	Section 916.2, General.	The island fixture vent shall connect to the <i>fixture drain</i> as required for an individual or common vent. The vent shall rise vertically to above the drainage outlet of the fixture being vented and as high as possible to the underside of the countertop before offsetting horizontally or vertically downward installation shall be per Figure 916.2. The vent or <i>branch vent</i> for multiple island fixture vents shall extend to a point not less than 6 inches (152 mm) above the highest island fixture being vented before connecting to the outside vent terminal.

Adopt	Figure 916.2	
Repeal	Section 916.3, Vent installation below the fixture flood level rim.	
Amend	Section 917, Single Stack System.	
Amend	Section 917 .1, Where permitted.	Single-stack venting shall be designed by a registered design professional as an engineered design. A drainage stack shall serve as a single stack vent system where sized and installed in accordance with Sections 917.2 through 917.9. The drainage stack and branch piping shall be the vents for the drainage system. The drainage stack shall have a stack vent.
Repeal	Section 918, Air Admittance Valves.	Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2021 IPC. In accordance with the requirements of Act 836 of the 2014 Regular Session, air admittance valves are prohibited from use on all plumbing systems.
Repeal	Section 920, Computerized vent design.	
Amend	Chapter 10, Traps, Interceptors and Separators.	
Amend	Section 1003.2, Approval.	Interceptors and separators shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (i.e., offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment).
Adopt	Section 1003.2.1, Grease Interceptor Sizing.	In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period. The minimum capacity shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.
Adopt	Exceptions	
Adopt		(a.) At the discretion of the local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:
Adopt		1. a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or
Adopt		2. an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or
Adopt		3. the local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or
Adopt		4. the local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).
Adopt		(b.) In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor; fats, oils and greases disposal system or automatic grease removal device shall be determined in accordance with the requirements of Section 1003.3.4 of this code. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.

Amend	Section 1003.3.5, Hydromechanical Grease Interceptors, Fats, Oils and Greases Disposal Systems and Automatic Grease Removal Devices.	When specifically allowed under the exception of Section 1003.2.1 of this code, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be sized in accordance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101. Hydromechanical grease interceptors; fats, oils, and grease disposal systems and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3, ASME A112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in compliance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101.
Amend	Section 1003.3.47, Gravity Grease Interceptors/Grease Traps.	Gravity grease interceptors shall comply with the requirements of Sections 1003.3.47.1 through 1003.3.47.8 and shall be sized in accordance with Section 1003.2.1 of this code.
Adopt	Section 1003.3.1, Indoor Installations.	If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.
Adopt	Section 1003.3.7.2, Distance.	The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.
Adopt	Section 1003.3.7.3, Outlet Pipe.	The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.
Adopt	Section 1003.3.7.4, Air Space.	A minimum of one foot of air space shall be provided above the static water level.
Adopt	Section 1003.3.7.5, Venting.	A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.
Adopt	Section 1003.3.7.6, Water Seal.	On unbaffled single compartment gravity grease interceptors, a 90 degree ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet shall discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.
Adopt	Section 1003.3.7.7, Minimum Horizontal Distance.	The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.
Adopt	Section 1003.3.7.8, Access/Covers.	Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.
Amend	Section 1003.10, Access and Maintenance of Interceptors and Separators.	Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.
Amend	Chapter 11, Storm Drainage.	
Amend	Section 1101.3, Prohibited Drainage.	Storm water shall not be drained into sewers intended for sewage only.
Adopt	Exception	
Adopt		1. Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.
Repeal	Section 1103.1.	
Repeal	Section 1103.2.	
Repeal	Section 1103.3.	
Repeal	Section 1103.4.	
Repeal	Section 1109.1.	
Amend	Chapter 13, Gray Water Recycling Systems.	
Amend	Section 1301.4, Permits.	Permits shall be required for the construction, installation, alteration and repair of nonpotable water systems. Construction documents, engineering calculations, diagrams and other such data pertaining to the nonpotable water system shall be submitted with each permit application. Such plans and specifications shall be appropriately sealed and signed by a Louisiana registered professional engineer.
Amend	Section 1301.5, Potable Water Connections.	Where a potable system is connected to a nonpotable water system, the potable water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

Amend	Section 1301.9.4, Makeup Water.	Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by an air gap or reduced pressure principle backflow prevention assembly. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank from overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump.
Amend	Chapter 15, Referenced Standards.	
Amend	CSA Referenced Standard.	B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2
Adopt	Chapter 16, Travel Trailer and Mobile/Manufactured Home Parks.	
Adopt	Definitions	Add the following definitions:
Adopt	<i>Dependent Travel Trailer</i>	a travel trailer not equipped with a water closet.
Adopt	<i>Drain Hose</i>	the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.
Adopt	<i>Drain Outlet</i>	the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.
Adopt	<i>Independent Travel Trailer</i>	a travel trailer equipped with a water closet and a bath or shower.
Adopt	<i>Inlet Coupling</i>	the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.
Adopt	<i>Intermediate Waste Holding Tank</i>	(travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.
Adopt	<i>Mobile/Manufactured Home</i>	a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the <i>Manufactured Home Construction and Safety Standards (HUD Code)</i> and display a HUD certification label on the exterior of each transportable section.
Adopt	<i>Park or Mobile/Manufactured Home Park or Travel Trailer Park</i>	any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.
Adopt	<i>Park Drainage System</i>	the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.
Adopt	<i>Park Water Distribution System</i>	all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.
Adopt	<i>Service Building</i>	a building housing toilet and bathing facilities for men and women, with laundry facilities.
Adopt	<i>Sewer Inlet</i>	a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.
Adopt	<i>Travel Trailer</i>	a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.
Adopt	<i>Travel Trailer Sanitary Service Station</i>	a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic wash down of the immediately adjacent area, to be used as a disposal point for the contents of intermediate waste holding tanks of travel trailers.
Adopt	<i>Water Service Connection</i>	as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.
Adopt	Section 1601, General.	
Adopt	Section 1601.1, Scope.	The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.
Adopt	Section 1601.2, Governing Provisions.	Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.
Adopt	Section 1601.3, Sewage Collection, Disposal, Treatment.	Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.
Adopt	Section 1601.4, Travel Trailer Sanitary Service Station.	At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.
Adopt	Section 1601.5, Materials.	Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.

Adopt	Section 1601.6, Installation.	Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.
Adopt	Section 1601.7, Maintenance.	All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.
Adopt	Section 1602, Service Buildings.	
Adopt	Section 1602.1, Service Buildings for Independent Travel Trailers.	Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.
Adopt	Exception	
		1. Temporary (six months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from section.
Adopt	Section 1602.2, Service Building for Dependent Travel Trailers.	The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: one laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).
Adopt	Section 1602.3, Service Building Design Requirements.	Each service building shall conform to Sections 1602.3.1 through 1602.3.3 of this code.
Adopt	Section 1602.3.1, Construction.	Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.
Adopt	Section 1602.3.2, Fixture Separation.	The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 feet (914 x 914 mm) in area, with a dressing compartment.
Adopt	Section 1602.3.3, Floor Drains.	A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.
Adopt	Section 1603, Park Drainage System.	
Adopt	Section 1603.1, Separation of water and sewer lines.	The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.
Adopt	Section 1603.2, Minimum Size Pipe.	The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.
Adopt	Section 1603.3, Fixture Units.	Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.
Adopt	Section 1603.4, Sewage Disposal/Treatment.	The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).
Adopt	Section 1603.5, Manholes and Cleanouts.	Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.
Adopt	Section 1603.6, Sewer Inlets.	Sewer inlets shall be 4-inch diameter and extend above Grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.
Adopt	Section 1603.7, Drain Connections.	Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.
Adopt	Section 1603.8, Waste.	No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.
Adopt	Section 1603.9, Testing the Park Drainage System.	Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.
Adopt	Section 1604, Water Supply and Distribution System.	
Adopt	Section 1604.1, General.	Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.
Adopt	Section 1604.2, Water Service Lines.	
		The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.
Adopt	Section 1604.3, Water Service Connections.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019), amended LR 45:1794 (December 2019), repromulgated LR 46:1611 (November 2020), amended LR 48:2589 (October 2022).

**§113. International Fuel Gas Code (Formerly LAC 55:VI.301.A.6)**

A. *International Fuel Gas Code* (IFCG), 2021 Edition, and the standards referenced in that code for regulation of construction within this state.

Amend	Section 310.3, Arc-resistant CSST.	This section applies to corrugated stainless steel tubing (CSST) that is <i>listed</i> with an arc-resistant jacket or coating system in accordance with ANSI LC 1/CSA 6.26. The CSST shall be electrically continuous and bonded to an effective ground fault current path.
Amend	Section 404.14, Piping Underground beneath Buildings,	<i>Piping</i> installed underground beneath buildings is prohibited except where the <i>piping</i> is encased in a conduit of wrought iron, plastic pipe, steel pipe, or other <i>approved</i> conduit material designed to withstand the superimposed loads. The conduit shall be protected from corrosion in accordance with Section 404.11 and shall be installed in accordance with Section 404.14.1 or 404.14.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:94 (January 2018), repromulgated LR 45:931 (July 2019), amended LR 48:2606 (October 2022).

**§115. National Electric Code (Formerly LAC 55:VI.301.A.7)**

A. *National Electric Code* (NEC), 2020 Edition, and the standards referenced in that code for regulation of construction in this state.

Amend	Article 210.8, Ground-Fault Circuit-Interrupter Protection For Personnel.	
Amend	Item (F) Outdoor Outlets	
Amend	Exception	
Adopt	Item (2)	Ground-fault circuit-interrupter protection shall not be required on HVAC equipment.
Adopt	Item (G) Areas where welders are operated	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	Article 230.71, Maximum Number of Disconnects.	
Adopt	Exception	
Adopt	Item (1)	All pre-existing, renovations, alterations, repairs, or substantial improvement services shall not be required to have only one disconnecting means. The service disconnecting means for these listed construction types shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of enclosures, or in or on a switchboard or in a switchgear. There shall not be more than six sets of disconnects per service grouped in any one location.
Amend	Article 551.71 Type Receptacles Provided.	
Amend	Item (F) GFCI Protection.	Ground-fault circuit-interrupter protection shall be provided as required in 210.8(B). GFCI protection shall not be required for other than 125-volt, 15- and 20-ampere receptacles used in the recreational vehicle site equipment. Informational Note No. 1: Appliances used within the recreational vehicle can create leakage current levels at the supply receptacle(s) that could exceed the limits of a Class A GFCI device. Informational Note No. 2: The definition of Power-Supply Assembly in 551.2 and the definition of Feeder in Article 100 clarifies that the power supply cord to a recreational vehicle is considered a feeder.
Adopt	Article 630.8 Ground-Fault Circuit-Interrupter Protection For Personnel.	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	Article 702.2 Optional Standby Systems.	
Adopt	Article 702.2(D) Permanent mounted residential generators.	When a permanently mounted residential generator is installed it shall meet the manufacturer's installation instructions. Carbon Monoxide alarms shall be added and installed as per the International Residential Code Section R 315 amendment found in the Louisiana State Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019), amended LR 48:2606 (October 2022).

Chief Daniel H. Wallace  
State Fire Marshal

2210#008

**RULE**

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

**Domesticated Aquatic Organisms  
(LAC 76:VII.900, 913, and 921)**

Under the authority of R.S. 56:411 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Wildlife and Fisheries Commission has amended rules and regulations related to aquaculture and domesticated aquatic organisms. The changes add brown trout (*Salmo trutta*) to the approved domesticated aquatic organism list and changes the name of the rainbow trout permit to coldwater trout permit. Legally permitted aquaculture facilities will be able to produce brown trout with passage of this Rule. This will allow the development of additional aquaculture business in Louisiana while providing safeguards to assist in protecting native fish species.

In addition, LDWF seeks to add eastern oyster (*Crassostrea virginica*) to the domesticated aquatic organism list and create a molluscan shellfish aquaculture permit. Legally permitted aquaculture facilities will be able to produce all life stages of oysters to support and enhance Louisiana’s traditional oyster fishery, oyster restoration as well as the growing alternative oyster culture fishery. This will allow the development of additional aquaculture business in Louisiana while providing safeguards to assist in protecting native species. This Rule is hereby adopted on the day of promulgation.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 9. Aquaculture**

**§900. Domesticated Aquatic Organisms (DAO)**

**A. Definitions**

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*Coldwater Trout*—adult fish, juvenile fish, fingerlings, fry and eggs belonging to the species listed in LAC 76:VII.913.A.

*Coldwater Trout Permit*—the official document required for the culture, importation, exportation, transport, culture, possession, disposal, transfer and sale of coldwater trout in Louisiana, as approved by the secretary or designee.

\*\*\*

*Molluscan Shellfish Aquaculture*—the land-based process of using approved broodstock to produce any life stage of molluscan shellfish.

*Molluscan Shellfish Aquaculture Permit*—the permit needed to rear or import and transport for the purpose of rearing molluscan shellfish such as eastern oysters (*Crassostrea virginica*).

\*\*\*

B. - C. ...

D. The following species are approved for commercial sale and transport for aquaculture or mariculture:

1. - 16. ...

17. coldwater trout: a list of approved species can be found in LAC 76:VII.913;

18. - 20. ...

21. molluscan shellfish: a list of approved species can be found in LAC 76:VII.921.

E. The Domesticated Aquatic Organism License shall cost \$25 for residents and \$500 for nonresidents. All holders of species-specific culture permits must have a valid domesticated aquatic organism license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327 (A)(2) and R.S. 56:411.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1335 (September 2021), amended LR 48:510 (March 2022), LR 48:2607 (October 2022).

**§913. Coldwater Trout**

A. The following coldwater trout species have been approved for commercial culture in Louisiana. Any questions on a species should be directed to the fisheries permit manager:

1. brown trout (*Salmo trutta*);

2. rainbow trout (*Oncorhynchus mykiss*).

B. Coldwater Trout Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, dispose, or transfer live coldwater trout for aquaculture in Louisiana must first request a coldwater trout permit from LDWF fisheries permit manager. A separate permit will be required for each facility or location. This permit is not needed for stocking into public or private waters, and persons interested in stocking coldwater trout should contact the fisheries permit manager to request a special stocking permit.

2. Applications for coldwater trout permits may be obtained by contacting the fisheries permit manager via emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries  
Fisheries Permit Manager  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

3. The completed applications must be returned to the same address whereby the fisheries permit manager will review the application. Department personnel or a department approved contractor will then make an on-site

inspection of the property and culture system. The department may charge the applicant for any associated costs to perform the inspection.

4. After the on-site inspection has been completed, the fisheries permit manager will make a final determination as to whether the applicant is in full compliance with all rules pursuant to the coldwater trout permit. The fisheries permit manager will then make a recommendation of approval or denial of the applicant's request to the secretary or designee.

5. The fisheries permit manager will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the fisheries permit manager shall include written reasons for that determination. Applicant may reapply after correcting specified deficiencies noted in letter of denial.

#### C. Rules on Transport of Live Coldwater Trout

1. For each occurrence of live coldwater trout importation into Louisiana from out of state, or live transfer within the state, the permittee must obtain, in writing, approval from the fisheries permit manager. These requests shall be made no less than two business days before the expected date of shipment.

a. Requests shall be made via email to [fisheriespermits@wlf.la.gov](mailto:fisheriespermits@wlf.la.gov).

b. Requests shall include:

i. Louisiana coldwater trout permit number;

ii. date of transport;

iii. total number of coldwater trout;

iv. identification of seller and buyer and any permit numbers from the jurisdiction of origin to the jurisdiction of destination in which they are coming from;

v. a certificate of health from a veterinarian or other certified expert stating that coldwater trout are not showing visible signs of diseases or parasites. The facility and delivery vehicle shall be free of diseases, parasites or other organisms such as *Didymosphenia geminata* (commonly known as didymo or "rock snot").

#### D. Rules of Coldwater Trout Culture

1. It shall be the responsibility of the permittee to immediately notify the secretary or designee of any coldwater trout that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to, accidental releases due to weather related events, vandalism, and theft.

2. The department will have just cause to revoke a coldwater trout permit for lapses in security if the permittee is found to be in noncompliance with LAC 76:VII.913.D.1.

3. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

4. In order for the permit to be valid, the following licenses are required as a prerequisite:

a. Domesticated Aquatic Organism License.

5. The cost of a coldwater trout permit shall be \$100 and may include the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee

charge. Permits expire on December 31 of every year. Any permit issued after November 15, will be valid for the remainder of that calendar year and the following calendar year.

6. Permits are not transferable from person to person, or property to property.

7. Transfer of fish between Louisiana coldwater trout permittees within the state of Louisiana must be approved prior to shipment as described in LAC 76:VII.913.C.1. above.

8. No person may release live coldwater trout, fish, or eggs into the waters of Louisiana (whether public or private) without LDWF secretarial approval.

9. Permittee must agree to collect and provide an adequate number of coldwater trout to the department or a department approved contractor upon request for identification and analysis at the permittee's expense.

10. Records for the previous five years shall be kept at the facility of all coldwater trout processed at a culture facility and shall include the following information:

a. source of fish;

b. processed pounds of fish; and

c. date fish processed.

11. A copy of this information shall be sent annually to the fisheries permit manager at the end of each year prior to permit renewal, or at any time upon request.

12. If a permittee terminates coldwater trout culture, the permittee shall notify the secretary or designee immediately and dispose of the coldwater trout according to methods approved by the department.

13. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All coldwater trout shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1344 (September 2021), amended LR 48:510 (March 2022), LR 48:2607 (October 2022).

#### §921. Molluscan Shellfish

A. The following molluscan shellfish species have been approved for commercial culture in Louisiana. Any questions on a species should be directed to the Fisheries permit manager:

1. eastern oysters (*Crassostrea virginica*).

B. Molluscan Shellfish Aquaculture Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, dispose of, or transfer live molluscan shellfish for land based aquaculture in Louisiana, notwithstanding the provisions of R.S. 56:431.2 and LAC 76:VII.535, must first request a molluscan shellfish aquaculture permit from Louisiana Department of Wildlife and Fisheries (LDWF) Fisheries permit manager. A separate permit will be required for each facility or location.

2. The only molluscan shellfish allowed to be used as broodstock for placement in Louisiana waters are those from approved areas with minimal invasive species or disease concerns. All sources of imported molluscan shellfish must be approved by the LDWF Secretary or designee.

3. Applications for permits may be obtained by contacting the fisheries permit manager via emailing [fisheriespermits@wlf.la.gov](mailto:fisheriespermits@wlf.la.gov) or by mail:

Louisiana Department of Wildlife and Fisheries  
Fisheries Permit Manager  
P.O. Box 98000  
Baton Rouge, LA 70898-9000

4. A legal description of the molluscan shellfish culture facility that demonstrates/proves ownership must be submitted along with the permit request.

5. The completed applications must be returned to the same address whereby the fisheries permit manager will review the application. Department personnel or a department approved contractor may make an on-site inspection of the property and culture system. The department may charge the applicant for any associated costs to perform the inspection.

6. The fisheries permit manager will make a determination as to whether the applicant is in full compliance with all rules pursuant to the molluscan shellfish aquaculture permit. The fisheries permit manager will then make a recommendation of approval or denial of the applicant's request to the secretary or designee.

7. The fisheries permit manager will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the fisheries permit manager shall include written reasons for that determination. The applicant may reapply after correcting the deficiencies specified in letter of denial.

#### C. Rules on Transport of Live Aquaculture Molluscan Shellfish

1. For each occurrence of live molluscan shellfish oyster importation into Louisiana from previous approved sources, the permittee must obtain, in writing, approval from LDWF Fisheries permit manager which shall be made no less than two business days before the expected date of shipment.

a. Requests shall be made via email to [fisheriespermits@wlf.la.gov](mailto:fisheriespermits@wlf.la.gov).

b. Requests shall include:

i. Louisiana molluscan shellfish aquaculture permit number;

ii. date of transport;

iii. type, stage, and total number of molluscan shellfish;

iv. identification of seller and buyer and any permit numbers from the jurisdiction of origin to the jurisdiction of destination;

v. a certificate of health must be obtained from an expert certified by the department, using a method approved by the department for ensuring disease-free stock, stating that molluscan shellfish are not carrying diseases or parasites. The facility and delivery vehicle shall be free of diseases, parasites or other organisms.

#### D. Rules of Molluscan Shellfish Culture

1. The molluscan shellfish aquaculture system shall be an approved system designed in such a way that all molluscan shellfish life stages cannot escape. All of the system must be based on land.

2. It shall be the responsibility of the permittee to immediately notify the fisheries permit manager of any molluscan shellfish or any life stage that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including, but not limited to, accidental releases due to weather related events, vandalism, and theft.

3. The department will have just cause to revoke a molluscan shellfish aquaculture permit for lapses in security if the permittee is found to be in noncompliance with Paragraph D.1 of this Section.

4. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property culture system, and molluscan shellfish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take molluscan shellfish samples for analysis and/or inspection.

5. The cost of a molluscan shellfish aquaculture permit shall be \$100. The department may also charge for the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee charge.

6. In order for the permit to be valid, the following licenses are required as a prerequisite:

a. domesticated aquatic organism license.

7. Permits expire on December 31 of every year. Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

8. Permits are not transferable from person to person, or property to property.

9. Transfer of molluscan shellfish or any life stages between molluscan shellfish aquaculture permittees within the state must be approved prior to shipment as described in Paragraph B.1 of this Section.

10. No person may release or place aquaculture molluscan shellfish, larval stages, or spat into the waters of Louisiana (whether public or private) without LDWF secretarial or designee approval except when transferred to permitted alternative oyster culture permitted facilities as outlined in LAC 76:VII.535.

11. The permittee must agree to collect and provide an adequate number of molluscan shellfish to the department or a department-approved contractor upon request for identification and analysis at the permittee's expense.

12. Records for the previous five years shall be kept at the facility of all molluscan shellfish processed at a culture facility and shall include the following information:

a. source of broodstock;

b. life stages sold;

c. buyer, date of sale, and amount sold.

13. A copy of the information above shall be sent annually to the fisheries permit manager at the end of each year prior to permit renewal, or at any time upon request.

14. If a permittee terminates molluscan shellfish aquaculture, the permittee shall notify the fisheries permit manager immediately and dispose of the molluscan shellfish according to methods approved by the department.

15. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All molluscan shellfish shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

16. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2608 (October 2022).

Jack Montoucet  
Secretary

2210#010

## RULE

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

#### Passive Hooked Fishing Gear Regulations (LAC 76:VII.116 and 134)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission has amended a Section (LAC 76:VII.116) and repeal a Section (LAC 76:VII.134) by modifying regulations regarding freshwater recreational yo-yos, trigger devices, trotlines, limb lines, jugs, and all other passive fishing devices containing a hook or hooks. Modifications to existing rules makes marking and use regulations regarding hooked passive devices uniform in all inland waters. Waterbodies with regulations regarding the prohibition of attaching or driving any object to fish a yo-yo or trigger device were moved from the repealed Section (LAC 76:VII.134) into the amended Section (LAC 76:VII.116). In all other waterbodies, non-metal objects can be used to fish passive hooked devices, but must be removed upon cessation of use. This Rule is hereby adopted on the day of promulgation.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic life

#### Chapter 1. Freshwater Sports and Commercial Fishing

#### §116. Freshwater Recreational Yo-Yos, Trigger Devices, Trotlines, Limb Lines, Jugs, and all Passive Fishing Devices Containing a Hook or Hooks

A. The Wildlife and Fisheries Commission hereby adopts the following regulations applicable to the use of freshwater

recreational yo-yos, trigger devices, trotlines, limb lines, jugs, and all other passive fishing devices containing a hook or hooks.

1. No more than 50 yo-yos, or trigger devices, limb lines, or floating devices containing a hook or hooks shall be allowed per person.

2. At any given time, no person shall set more than 150 hooks on all trotlines, combined.

3. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be clearly tagged with the name, telephone number, and fishing license number of the owner or user. Information must be attached with a waterproof tag or written directly on the device in indelible ink.

4. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be rebaited at least once every 24 hours, and all fish and any other animal caught, entangled, ensnared, or hooked, shall be immediately removed from the device.

5. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Paragraph, each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be removed from the waterbody immediately by the owner or user.

6. Where allowed and when not in use, objects sourced from another location used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks, which are driven into or attached to the lake bottom, a stump, tree, or the shoreline must be removed from the waterbody along with the passive devices by the user.

7. No driven or attached objects used to attach yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks shall be larger than two inches by two inches or two inches in diameter.

8. No metal object which is driven into or attached to the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, except for a metal object used strictly in the construction of a pier, boathouse, seawall, dock, or a retrievable anchor not attached to the bottom.

9. In Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana, except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

10. All trotlines shall have a cotton leader on each end of the trotline.

B. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Section shall be immediately seized by and forfeited to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:8, and R.S. 56:320.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:355 (January 2011), amended LR 48:2610 (October 2022).

**§134. Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, Lake St. Joseph, and Lake Bruin**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and 56:6(32).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:2567 (October 2012), amended LR 39:3101 (November 2013), LR 47:497 (April 2021), repealed LR 48:2611 (October 2022).

Jack Montoucet  
Secretary

2210#011

# Notices of Intent

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

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

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

### Title 28 EDUCATION

#### Part XI. Accountability/Testing

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

#### Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

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

A. - B.4. ...

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 48:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the

BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 111—The Louisiana School, District, and State Accountability System**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be increased costs to the Department of Education (LDE) to develop and implement the numeracy screener required by the proposed provisions. The literacy screener required by the proposed revisions is currently required by Act 438 of the 2021 Regular Legislative Session, and the LDE has already budgeted funds for its development, though future costs associated with the literacy screener will require additional SGF.

While the cost of developing the assessments is currently indeterminable, the cost of the literacy screener is estimated by the LDE to be \$3 M per year and may be as high as \$4.5 M per year based on the results of the Request for Proposals (RFP) process. Funding for the literacy screener is designated from Elementary and Secondary School Emergency Relief (ESSER) funds. However, these funds will only be available through September 30, 2024. After this date, SGF will be required for future costs. Development of the numeracy screener will require an indeterminable amount of SGF.

The proposed revisions require the development of both a literacy screener and a numeracy screener for students in grades K-2. The highest proposal received for development of the literacy screener was \$4.5 M per year. Development of the numeracy screener will require a similar process, with RFP development scheduled for FY 22-23, procurement scheduled for FY 23-24, and administration scheduled for FY 24-25. Funding for the numeracy screener will be requested as part of the LDE's FY 24 budget.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

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## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years  
(LAC 28:CLIX.101, 103, 105, 107, 109, 111, 113, 201, 301, 303, 305, 307, 401, 403, 405, 407, 409, 411, 501, 503, 505, 507, 509, 701, 703, 706, 707, 709, 711, 901, 1101, and 1103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLIX in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*. The aforementioned revisions replace and provide Early Learning and Development Standards (ELDS), a set of common, developmentally-appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. The ELDS provide age-appropriate goals for children's learning and development that guide teachers, caregivers, and other early childhood professionals on the types of experiences and activities children should have during their earliest years. ELDS can be used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

#### Title 28 EDUCATION

#### Part CLIX. Bulletin 136—Louisiana Early Learning and Development Standards for Children Birth to Five Years Chapter 1. General Provisions

##### §101. Introduction

A. Louisiana's Early Learning and Development Standards (ELDS) provide a set of common, developmentally appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. These standards are research-based, comprehensive, and are written with the understanding that children reach developmental milestones at different times. The ELDS provide age-appropriate goals for children's learning and development that can guide teachers, caregivers, and other early childhood professionals on what types of experiences and activities children should have during their earliest years. ELDS are used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:24.2, and R.S. 17:153

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013), LR 49:

##### §103. Definitions

*Alphabet Awareness*—knowledge of letters of the alphabet coupled with the understanding that the alphabet represents the sounds of spoken language and the correspondence of spoken sounds to written language.

*Approaches to Learning*—behaviors and attitudes that indicate how children approach tasks and activities to learn

and include characteristics such as initiative and curiosity; attention, engagement and persistence; and problem solving which help strengthen and facilitate learning across other school readiness domains.

*Attention, Engagement, and Persistence*—the capacity to pay attention and engage in learning activities for short periods of time so that children can complete short-term, concrete tasks and activities and then progresses so that children can concentrate for longer periods of time, persist in activities of interest, and set goals.

*Emergent Writing*—young children's first attempts at the writing process.

*Expressive Communication*—the ability to communicate our thoughts and feelings through words, gestures, signs, and/or symbols.

*Fine Motor Development*—skill development involving the smaller muscles of the hand.

*Gross Motor Development*—skill development involving the large muscles in the arms, legs and torso.

*Initiative and Curiosity*—personal experiences and the openness and curiosity about new discoveries that begins with interest in the world around them and the initiative to gain new knowledge by taste, touch, smell, sight, sound, and physical actions, then develops into interaction with unfamiliar objects and materials, seeking new ways for using items in the environment, and learning new information in a variety of ways in order to add to the growing knowledge of the world.

*Phonological Awareness*—the awareness of and ability to work with sounds in spoken language.

*Print Concepts*—the understanding of the nature and uses of print.

*Problem Solving*—noticing how actions affect objects and cause things to happen, to find solutions, and to apply similar strategies again in the future including the skills of explaining how problems are solved, observation, reasoning, and prediction.

*Receptive Communication*—the ability to understand words and language.

*Social Emotional Development*—the process through which children acquire the capacity to understand, experience, express, and manage emotions and to develop meaningful relationships with others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

##### §105. Role of the Early Learning and Development Standards

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2445 (September 2013).

##### §107. Guiding Principles

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2446 (September 2013), repealed LR 49:

**§109. Effective Use of Early Learning and Development Standards with All Children**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2446 (September 2013).

**§111. Overview of the Early Learning and Development Standards**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2447 (September 2013), repealed LR 49

**§113. Use of this Document with Other Documents in Louisiana**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2448 (September 2013), repealed LR 49:

**Chapter 2. Early Learning Standards Continuum  
§201. Approaches to Learning**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2449 (September 2013).

**Chapter 3. Learning and Development**

**§301. Approaches to Learning**

**A. Initiative and Curiosity**

<b>Standard 1: Children engage in multiple and varied play-based experiences.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Explore objects, materials, and/or people in their immediate environment using their senses. Interact with materials by manipulating them in a variety of ways (e.g., grasp; mouth; bang).	Explore and interact with familiar objects and materials in the environment. Use everyday objects and toys as intended in their play (e.g., build with blocks; stir with spoons).	Explore both familiar and unfamiliar materials, activities, and experiences. Explore new ways to use familiar objects during play (e.g., hold a banana to the ear and talk into it like a phone).	Explore unfamiliar objects, materials, and experiences. Combine materials in new and unique ways (e.g., put blocks together to create a road for cars).	Seek out and engage with unfamiliar objects, materials, and experiences.
Interact with materials by manipulating them in a variety of ways (e.g. grasp; mouth; bang).	Use everyday objects and toys as intended in their play (e.g., build with blocks; stir with spoons).	Explore new ways to use familiar objects during play (e.g., hold a banana to the ear and talk into it like a phone).	Combine materials in new and unique ways (e.g., put blocks together to create a road for cars).	
Demonstrate interest in others (e.g., turn head toward familiar voice).	Demonstrate interest in their surroundings.	Seek information about familiar objects, people, and experiences.	Seek information about unfamiliar objects, people, and experiences.	Seek information and contribute to discussions about a variety of new topics, ideas, and activities.
Meet one’s own needs using simple behaviors (e.g., feed oneself finger foods).	Attempt to help with simple tasks and activities.	Demonstrate increasing interest and independence in completing simple tasks.	Complete a variety of simple tasks independently.	Complete multi-step tasks independently.
Select a particular material, toy, or place of interest to explore on their own.	Express choices and preferences.	Insist on preferences and express dislikes.		

**B. Attention, Engagement, and Persistence**

<b>Standard 2: Children engage in activities and tasks with attention, focus, and persistence.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Establish eye contact with a familiar person. Attend to new objects and familiar adults in the environment.	Focus attention on people, objects, and activities of interest.	Focus attention to complete a short, simple task with adult support.	Maintain focus on activities of interest despite distractions.	Maintain focus on adult-directed activities with adult support.
Intentionally take action to make things happen (e.g., shake rattle to make noise).	Repeat self-selected tasks over and over again.	Complete activities of choice from start to finish with adult support.	Continue working on self-selected activities despite setbacks (e.g., try again after the block tower falls down).	Persist with a challenging task despite interruptions and disruptions.

<b>Standard 2: Children engage in activities and tasks with attention, focus, and persistence.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	Complete self-selected tasks and then spontaneously express pleasure at accomplishments (e.g., smile; clap).	Remain actively engaged in activities of interest and protest if interrupted.	Express goals and then work to achieve them with prompting and support (e.g., When asked, a child says "I want to make something" and then goes to the art center and draws a picture).	Express simple goals that extend over time, make plans, and follow through to complete them (e.g., Child says, "I want to play doctor after breakfast. Liam is going to play with me.", and then does so after eating).

C. Problem Solving

<b>Standard 3: Children demonstrate flexibility and creativity by using a variety of strategies to solve problems.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Interact with objects in a variety of ways and notice the effects of their own actions.	Repeat behaviors to obtain desired results.	Experiment with the effects of simple actions on different objects (e.g., use a scoop to put sand into a bucket, then attempt to use a scoop to put water into a bowl).	Make predictions based on past experiences.	Make predictions and explain reasoning.
Attend to objects and/or activities in the environment.	Observe the ways in which others interact with objects and materials.	Observe and imitate actions of others when attempting to accomplish tasks or solve problems.	Recall and use previously successful strategies to complete tasks.	Apply prior knowledge and experiences to complete new tasks and solve new problems.
Solve simple problems and accomplish tasks using gestures, movement, and/or vocalizations (e.g., roll over to reach a toy; cry to express needs).	Try out one or two strategies to accomplish tasks and solve problems with adult support.	Try out a variety of strategies to accomplish tasks and/or solve problems, often by trial and error.	Purposefully use a variety of strategies, changing the approach as needed, to accomplish tasks or solve problems.	Communicate the steps used to solve problems and/or accomplish tasks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§303. Social and Emotional Development**

A. Relationships with Adults

<b>Standard 1: Children engage in and maintain positive relationships and interactions with adults.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Notice and respond to familiar adults.	Mimic signs of recognition (e.g., smile; wave).	Initiate signs of recognition with familiar adults.	Demonstrate recognition of familiar adults using simple actions and/or words.	Demonstrate recognition of familiar adults using multiple and varied actions and/or words.
Respond differently to familiar versus new adults.	Seek to be near familiar adults and respond cautiously to new adults.	Check in with familiar adults for reassurance when trying new things.	Separate from trusted adults when in familiar settings.	Separate from trusted adults in new settings.
Move or cry to seek attention and comfort from familiar adults.	Request help from familiar adults to address wants and needs.	Request help from familiar adults when encountering difficult tasks or situations.	Request help from adults to meet needs and/or solve problems, then attempt to implement suggestions with adult support.	Work with adults to generate ideas for accomplishing tasks and/or solving problems, then implement suggestions independently.
Engage in simple back-and-forth interactions with familiar adults.	Initiate back-and-forth play with familiar adults.	Initiate play and interactions with familiar adults.	Interact with both trusted and unfamiliar adults.	Interact with adults new to their environment (e.g., substitute caregiver).
Repeat actions that elicit social responses from familiar adults (e.g., repeat cooing sound after adult responds).	Imitate gestures and sounds of familiar adults during interactions.	Imitate behaviors observed in familiar adults (e.g., pretend to cook; "read" a book).	Interact with adults to seek information and to socialize.	Interact with adults to share ideas and plan activities.

B. Relationships with Children

<b>Standard 2: Children engage in and maintain positive relationships and interactions with other children.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Notice other infants and children.  Touch, smile, or babble to other infants and children.	Interact briefly with other children using gesturing.	Play alongside other children (parallel play) for short periods of time with adult support.	Interact or play cooperatively with other children.	Interact or play cooperatively with a small group of children for a sustained period of time.
		Take turns when playing with other children with adult guidance and support.	Demonstrate prosocial behaviors (e.g., taking turns, sharing) when playing with other children with some prompting from adults.	Demonstrate prosocial behavior (e.g., taking turns, sharing) when playing with other children with few reminders.
		Interact more frequently with a familiar child.	Demonstrate preference to play with one or more specific children.	Demonstrate preference to routinely play with one or more specific children.
			Initiate an activity or join other children in an activity that is already in progress.	Initiate, join in, and sustain positive interactions with a small group of children.
	Demonstrate awareness of conflict (e.g., cry; turn away).	Seek assistance from adults to resolve conflicts with other children.	Suggest solutions to conflicts with adult guidance and support.	Suggest solutions to resolve conflicts with other children with limited adult support.

C. Self-Confidence

<b>Standard 3: Children recognize themselves as unique individuals and express confidence in their own abilities.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Explore one’s own body parts (e.g., study hands; play with feet).	Point to one’s own body parts when named.	Identify body parts spontaneously.		
Respond to one’s own image in a mirror.	Recognize oneself in a mirror.	Identify oneself in photographs.		
React when name is called (e.g., smile; coo).	Respond when name is called.	Use different words (e.g., I, me, mine) when referring to oneself, including first name.	Use one’s own first and last name.	
			Describe oneself using personal characteristics.	Differentiate between self and others based on personal characteristics and/or interests.
Express preferences for objects, activities, and people.	Express preferences for objects, activities, and people using gestures, signs, or words.	Indicate preferences when asked (e.g., food; toys; activities).	Express likes and dislikes, and make choices based on personal preferences.	
Demonstrate awareness of basic routines (e.g., move arms and legs rapidly at sight of bottle).	Indicate familiarity with routines or activities (e.g., attempt to hold a spoon; hold arms out to be picked up).	Identify self as a unique member of a family (e.g., identify self and other family members in family photo).	Share information about family members and traditions (e.g., describe family events, celebrations and/or important people in their lives).	Identify self as a unique member of different groups (e.g., family; preschool class).
	Demonstrate a sense of satisfaction when accomplishing simple tasks.	Demonstrate confidence in one’s own abilities and express satisfaction when demonstrating them to others.	Demonstrate confidence in one’s own abilities and accomplish routine and familiar tasks independently.	Demonstrate confidence in one’s own abilities, taking on new and challenging activities, and declining help when offered.
Express pleasure at things one has done (e.g., wiggle; coo; laugh).	Express pride over accomplishments.	Call attention to new skills or abilities.	Express positive feelings about self when prompted.	Describe oneself using positive terms (e.g., hard worker).

D. Emotion Regulation

<b>Standard 4: Children regulate their emotions and behavior and respond to the emotions of others.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Express simple emotions (e.g., contentment; distress) using sounds, facial expressions, and/or body movements.	Express a range of basic emotions (e.g., happiness; sadness; fear; anger) using sounds, facial expressions, gestures and/or actions.	Express a range of emotions (e.g., pride; embarrassment; shame; guilt) using gestures, actions, and/or words.	Express complex emotions (e.g., gratitude; jealousy; remorse; disgust) using actions and/or words.	Express strong emotions in a manner that is safe for self and others with occasional adult support.
React to an adult’s expression of feelings (e.g., facial expression; tone of voice).	Imitate adult expressions of feelings using facial expressions, sounds, gestures, and/or actions.	Recognize feelings when named by an adult.	Accurately identify one’s own basic feelings (e.g., happy; mad; sad).	Accurately label one’s own feelings and identify them in various situations.

<b>Standard 4: Children regulate their emotions and behavior and respond to the emotions of others.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
React to others' expressions of emotions (e.g., cries when another child cries).	Respond to others' expressions of emotions with adult support.	Respond in caring ways to others' expressions of emotions (e.g., take a blanket to a crying child).	Accurately identify basic emotions in others and respond with care and concern.	Accurately label emotions in others, predict causes, and respond with care and concern (e.g., "He's sad because someone took his toy. He can have mine.").
Express and act on impulses (e.g., cry when hungry; explore how hair feels by pulling it).	Accept some redirection from adults.	Frequently respond positively to choices and limits set by an adult.		
	Participate in simple routines and accept transitions with adult support.	Participate in routines, accept transitions, and follow simple guidelines for behavior with adult support.	Participate in routines, manage transitions, and follow adult guidelines for behavior with occasional reminders.	Participate in routines, manage transitions, and follow adult guidelines for behavior, adapting to changes in each as needed.
	Notice how others respond to one's own behaviors.	Experiment with effects of one's own actions on objects and people.	Demonstrate understanding of how one's own actions and behavior affect others.	Predict consequences of one's own and others' actions and behavior with adult support.
React to stressful situations by shifting attention or turning away. Accept comfort when held, rocked, or talked to by a familiar adult.	Use simple behaviors to soothe oneself when upset.	Imitate strategies to manage emotions and behavior with adult direction.	Use a variety of strategies (e.g., deep breathing; use of words) to manage emotions and behavior with adult support.	Manage emotions and behavior with occasional verbal, visual, and/or auditory reminders.
		Demonstrate the ability to wait for a short period of time to get what one wants with guidance and support.	Demonstrate the ability to wait to get something one wants (delayed gratification).	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§305. Language and Early Literacy Development**

**A. Language Development**

**1. Receptive Communication**

<b>Standard 1: Children attend to, understand, and respond to verbal and non-verbal communication and language from others.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Recognize more than one tone of voice in adults and respond with body movement and sounds.	Respond to facial expressions, tone of voice, and some words that communicate basic emotions.	Respond to facial expressions, tone of voice, and words that communicate a variety of emotions.		
Demonstrate interest in voices, and focus on speech, sounds, and other communication directed at them.	Respond to speech and other communication directed at them.	Respond to simple statements, questions, and other communication.	Respond to statements, questions, and other communication.	Respond to complex statements, questions, and other communication that include multiple phrases and ideas.
Respond or show excitement upon hearing familiar words.	Respond appropriately to familiar words, signs, and/or songs.	Demonstrate understanding of descriptive words through conversations and actions.	Demonstrate understanding of a variety of words through conversations and actions, including those relating to objects and actions. Determine the meaning of unknown words by asking questions or using contextual clues, with modeling and support.	Demonstrate understanding of a variety of words through conversations and actions, including words that express abstract concepts such as synonyms and opposites. Determine the meaning of unknown words by asking questions, using contextual clues, pictures, and/or prior knowledge.
Respond to simple requests accompanied by gestures or tone of voice.	Follow simple directions, especially if accompanied by gestures.	Follow one or two-step directions with few gestures.	Follow directions of two or more steps with familiar objects, experiences, and/or routines, using visual cues if needed (e.g., wash and dry hands using a visual of the hand-washing sequence).	Follow detailed directions that involve multiple steps (e.g., "Get the sponge, dampen it with water, and clean your table top.").

## 2. Expressive Communication

<b>Standard 2: Communicate with others to express self.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Experiment with making sounds. Engage in babbling.	Communicate through word-like sounds, some words, and some simple phrases.	Communicate through simple phrases and/or short sentences, but may omit some words or use some words incorrectly (e.g., “Mommy goed to store”).	Communicate using simple sentences.	Communicate using longer sentences, including the use of descriptive details and vocabulary and/or combining two or three phrases.
Communicate needs and wants, interest, or dislike through vocalizations, gestures, and facial expressions.	Express needs and wants and refer to familiar people and objects using verbal and non-verbal communication.	Communicate requests and describe familiar people and objects using verbal and non-verbal communication.	Communicate ideas, describe activities, and negotiate social interactions using verbal communication.	Communicate about abstract ideas, tell a story, describe past experiences, and discuss objects that are not physically present using verbal communication. Adjust communication strategies if the message is not understood.
	Respond to simple statements and questions about pictures, people, and things that are present.	Answer and ask simple questions about things and activities at the time they are happening.	Answer and ask questions about a variety of familiar topics, activities, and/or concepts.	Answer and ask complex questions to learn more about topics of interest, understand tasks, and solve problems, with explanation or follow-up questions.
		Use correct words for familiar people, objects, and animals. Describe observable characteristics of objects, such as color and size, with simple words. Expand their vocabulary by asking others to name unfamiliar objects.	Express emotions, talk about position and direction, and describe actions using a variety of words. Describe the use of familiar objects, including objects that belong in the same category based on how they are used. Determine the meanings of unknown words by asking questions or using contextual clues, with modeling and support.	Use several words that explain the same idea (i.e., synonyms) and opposites. Use acquired vocabulary in conversations. Determine the meaning of unknown words using prior knowledge and context clues in conversation.
		Speak in a way that is understood by most familiar people.	Speak in a way that is understood by unfamiliar listeners but may make some pronunciation errors.	Speak in a way that is understood by unfamiliar listeners, with few pronunciation errors.
	Use some pronouns.	Use the plural forms of some nouns, not always correctly. Use the past tense of some verbs. Use simple adjectives in statements.	Use common prepositions, correct subject-verb agreement, pronouns, and possessives.	Correctly use a variety of different types of words, including prepositions, regular and irregular plural nouns, pronouns, possessives, and regular and irregular past tense verbs, most of the time.

## 3. Social and Conversational Rules

<b>Standard 3: Children use social and conversational rules when communicating with others.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Initiate interactions with another person using movement and/or behavior.	Initiate interactions with others using gestures and/or vocalizations.	Ask questions or use verbal or non-verbal cues to initiate communication with others.	Sometimes initiate communication with peers by asking questions or using verbal or non-verbal cues.	Initiate communication with peers by asking questions or using verbal cues.
Briefly pay attention to the same object the caregiver is looking at. Engage in turn-taking during social and vocal play with adults and other children.	Establish joint attention by looking at an object, at their caregiver, and back at the object. Respond to communication from another person using multiple means (non-verbal and verbal).	Participate in short conversations, with some turn-taking exchanges.	Participate in conversations that include multiple turn-taking exchanges, particularly related to topics of interest.	Initiate and participate in conversations that involve multiple turn-taking exchanges, with each exchange relating to and building upon the previous.
			Use appropriate volume and intonation when communicating, with modeling and support.	Use appropriate volume and intonation to match the situation when communicating.

<b>Standard 3: Children use social and conversational rules when communicating with others.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	“Jabber” and vocalize sounds in a way that is similar to the rhythm and flow of conversations around them.	Listen attentively during brief group conversations and respond to questions or requests made to the group.	Make comments and ask questions related to the topic of discussion during small or large group conversations, with prompting and support. Follow simple rules for group discussions, with reminders.	Participate in a group discussion, making comments and asking questions related to the topic. Follow commonly accepted norms of communication in group settings with increasing independence.
		Communicate in short sentences that follow the word order of their home language.	Communicate in sentences and use more conventional grammar in their home language (plurals, tenses, prepositions). Make grammatical errors that follow their home language rules.	Speak in full sentences that are grammatically correct within their home language most of the time.

B. Early Literacy

1. Phonological Awareness

<b>Standard 1: Children demonstrate awareness that spoken language is composed of smaller segments of words and sounds.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	Demonstrate interest in familiar rhymes and songs.	Sing songs and say or repeat familiar rhymes.	Repeat rhyming words in familiar songs, finger plays, and rhymes, filling in rhyming words when given the opportunity.	Identify and produce rhyming words.
		Sing songs with multiple words that start with the same initial sound.	Shows awareness that some words start with the same initial sound.	Identify the initial sound in a spoken word with guidance and support.
			Segment spoken sentences into individual words with guidance and support.	Segment spoken sentences into individual words.
			Identify syllables in spoken words with guidance and support.	Identify syllables in spoken words.
			Blend a sequence of spoken syllables to produce words with guidance and support.	Blend a sequence of spoken syllables to produce words.
				Blend onsets and rimes of single syllable spoken words with guidance and support.

2. Print Concepts

<b>Standard 2: Children demonstrate knowledge of books and how print conveys meaning.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
		Recognize some familiar symbols and logos in the environment.	Recognize and name familiar symbols and logos in the environment (environmental print).	Recognize and name pictures, symbols, and logos in the environment (environmental print).
		Recognize that print, symbols, and pictures have meaning.	Distinguish print from pictures and show awareness that print communicates meaning.	Demonstrate an understanding that print has meaning and corresponds with spoken language. Demonstrates awareness that written words are made up of a group of individual letters.

<b>Standard 2: Children demonstrate knowledge of books and how print conveys meaning.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Explore books by touch (e.g., patting and/or chewing on board books).	Hold books, look at pictures, and help turn some pages.	Hold a book as if reading and turn some pages, but not always in the right order. Recognize specific books by their cover and look for specific pages in familiar books.	Hold a book right side up and turn most pages one by one from front to back. Demonstrate awareness that print progresses from left to right and top to bottom on a page with guidance and support.	Hold a book right side up while turning pages one by one from front to back. Identify parts of a book such as the front, back, and title. Demonstrate awareness of some conventions of print (e.g., capital letters, where to start reading on a page, and how to progress across and down a page). Describe the role of the author and illustrator of a text.
Demonstrate interest in books by reaching for books and exploring books through touch.	Request to have books read to them.	Self-select familiar books and engage in shared reading.	Share self-selected familiar books and engage in pretend reading with others.	Demonstrate interest in different kinds of literature, such as fiction and non-fiction books and poetry, on a range of topics.

### 3. Alphabet Awareness

<b>Standard 3: Children recognize and identify letters and make letter-sound connections.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
		Recognize letters of the alphabet as a special category of print, different from pictures and shapes.	Recognize and name some letters of the alphabet, especially those in their own name, as well as letters that occur frequently in the environment.	Recognize and name many of the letters in the alphabet, specifically letters in their own name, as well as letters that occur frequently in the environment.
			Identify the sound for a few recognized letters.	Identify or produce the sound of many recognized letters.
				Recognize their own name and some common words in print.

### 4. Comprehension

<b>Standard 4: Children show interest in and gain understanding from a variety of early literacy experiences.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
			Tell make-believe or real-life stories, sometimes in random sequence.	Tell make-believe or real-life stories using a sequence of at least 2–3 connected events.
		Recite some words of a familiar book when read to especially from books with repeating text.	Retell familiar stories using pictures or props as prompts.	Describe some key details from familiar stories, such as characters, setting, and/or major events.
		Ask or answer simple questions about a familiar story or book, including informational text.	Ask or answer questions about key details in a familiar story, informational book, or other text.	Ask or answer questions about key details in a familiar story, informational book, or other text. Make predictions about events that might happen next, with guidance and support.
		Recognize when a story or book describes something that is similar to their own experiences.	Answer questions about how events and information from stories relate to their own experiences.	Recall their own experiences that relate to events and information from stories or informational texts.
			Share their own thoughts and reactions to a story or text.	Analyze and reason about stories and other text with guidance and support during shared reading experiences.

Standard 4: Children show interest in and gain understanding from a variety of early literacy experiences.				
Infants (Birth – 11 months)	Young Toddlers (9 - 18 months)	Older Toddlers (16 - 36 months)	Three Year Olds (36 - 48 months)	Four Year Olds (48 – 60 months)
			Explore a variety of literacy genres, including stories/make believe, informational text, and poetry.	Recognize differences between stories/make believe, information text, and poetry.

5. Emergent Writing

Standard 5: Children write and draw to express their ideas, using some letters and print conventions.				
Infants (Birth – 11 months)	Young Toddlers (9 - 18 months)	Older Toddlers (16 - 36 months)	Three Year Olds (36 - 48 months)	Four Year Olds (48 – 60 months)
		Draw or scribble with a purpose during play or other activities.	Show emerging awareness that writing can be used for a variety of purposes.	Use writing for a variety of purposes to convey meaning.
	Make marks or scribbles using a variety of media (e.g., finger paint, chalk).	Make intentional, more controlled scribbles and shapes (e.g., straight or curved lines).	Write letter-like forms and a few letters, although often not oriented or written correctly. String some letter-like forms and/or letters together as if they are a word.	Write some letters of meaningful words such as their name, using letters and letter-like forms.
				Attempt to write some words using invented spelling. Demonstrate awareness of some print conventions (e.g., moving from left to right when writing; leaving space between some groups of letters).
		Draw a picture and describe what it represents.	Dictate ideas for someone to write down. Use scribbles, shapes, letter-like forms, letters, and numerals to write and/or represent words or ideas. Discuss or answer questions about their writing and drawings.	Dictate elaborative or meaningful information or stories for someone to write down. Use writing and/or digital tools to communicate information. Use classroom resources (e.g., labels; anchor charts) to support writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§307. Social Studies**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), repealed, LR 49:

**Chapter 4. Language and Literacy Development**

**§401. Introduction**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2465 (September 2013).

**§403. Speaking and Listening**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), repealed, LR 49:

**§407. Writing**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), repealed, LR 49:

**§409. English Language Learners (ELL)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), repealed, LR 49:

**§411. Speaking and Listening Standards**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2461 (September 2013), repealed, LR 49:

**Chapter 5. Cognitive Development and General Knowledge**

**§501. Mathematics**

**A. Knowledge of Numbers**

<b>Standard 1: Children demonstrate knowledge of numbers and the relationships between numbers and quantities.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Demonstrate interest in quantity during play (e.g., reach for more toys; hold two objects, one in each hand).	Demonstrate interest in simple counting activities.	Rote count to 10 with increasing accuracy.	Rote count to 10 with accuracy.	Rote count to 20 with accuracy. Tell what number (1-10) comes next in order by counting.
		Count a small set of objects (2-3) with one-to-one correspondence.	Count up to five objects arranged in a line with one-to-one correspondence.	Accurately count up to ten objects in a structured arrangement with one-to-one correspondence.
Indicate they want "more" using gestures, sounds, or looks.	Indicate understanding of the concepts of "more," "all," and "none" using gestures, words, or actions.	Indicate understanding of the concepts of "one" and "two" using gestures, words, or actions (e.g., child complies when adult says, "Take just one cookie").	Begin to understand that the last number counted represents how many objects are in a group (cardinality).	Tell how many objects are in a group by giving the last number counted (cardinality).
			Recognize and name the number of items in a small set (up to three) without counting (subitizing).	Recognize and name the number of items in a small set (up to five) without counting (subitizing).
			Compare two groups of objects and indicate whether the number of objects in each group is the same or different.	Compare two groups of objects and identify whether the number of objects in one group is more, less, or the same as the number of objects in the other group.
		Recognize a few numerals in the everyday environment.	Identify written numerals 0-5 by name and match each to counted objects.	Identify written numerals 0-10 by name and match each to counted objects.
				Read and write some numerals up to 10.
		Identify an object or person as first in a sequence.	Identify the first and often second object or person in a sequence.	Identify an object's or person's position in a sequence using ordinal numbers (e.g., first; second, third).

**B. Patterns and Operations**

<b>Standard 2: Children demonstrate knowledge of patterns and operations.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Demonstrate awareness of repeating sequences in everyday routines.	Notice and anticipate simple repeating sequences (e.g., go to table for lunch after washing hands).	Recognize and participate in patterns within stories and in songs.	Recognize and copy simple repeating patterns in different forms (e.g., red-blue; circle-square).	Identify, duplicate, extend, and create simple repeating patterns in different forms (e.g., red-red-blue; circle-square-triangle).
			Combine and separate small groups of objects and describe the parts. (e.g., I have four cubes. Three are red, and one is blue.).	Solve simple addition and subtraction problems by using concrete objects or fingers during play and daily activities (e.g., If we have 3 apples and eat 1, how many apples do we have left?).

**C. Measurement**

<b>Standard 3: Children measure objects by their various attributes and use differences in attributes to make comparisons.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	Match two objects based on one observable feature.	Group objects by one physical characteristic (attribute) (e.g., color; size; shape).	Sort objects into two or more groups based on one physical characteristic (attribute).	Sort objects by one characteristic (attribute), then re-sort using a different characteristic and explain the reasoning with guidance and support.

<b>Standard 3: Children measure objects by their various attributes and use differences in attributes to make comparisons.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	Explore objects of different sizes and weights.	Make simple comparisons between two objects using measurable attributes (e.g., length; height; weight)	Describe objects using measurable attributes (e.g., tall/short; big/little; heavy/light).	Describe measurable attributes of objects and materials using comparative words (e.g., long; longer; longest).
				Compare and order a small set of objects using measurable terms (e.g., length; weight).
				Describe the purpose of simple measurement tools.
				Measure using multiples of the same non-standard unit (e.g., paper clips; snap cubes) with guidance and support.

D. Shapes and Spatial Relationships

<b>Standard 4: Children identify shapes and their properties, and describe the positions of objects in space.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Explore various shapes through play.	Explore the way shapes and objects fit together through play.	Match basic shapes (e.g., circle; square; typical triangle) of the same size and orientation.	Match a wider variety of shapes with different sizes and orientations.	
			Recognize basic shapes (e.g., circle; square; typical triangle).	Identify basic shapes (e.g., circle; square; triangle; rectangle) regardless of size and orientation.
				Describe basic two- and three-dimensional shapes (e.g., a square has four sides; the ball rolls).
			Build objects by combining basic shapes (e.g., pictures; tangrams; block structures).	Create and build shapes using a variety of materials (e.g., popsicle sticks to create a square).
Explore and respond to the movement of objects, people, or self (e.g., navigate obstacles while crawling to destination).	Explore and respond to how things move through space or fit together (e.g., putting smaller objects into a small box and larger objects into a large box).	Move their body and objects to follow simple directions related to position (e.g., in; on; under; over; up; down).	Move their body and objects to follow simple directions related to proximity (e.g., beside; between; next to).	Identify and respond accurately to positional words indicating location, direction, and distance (e.g., above; below; in front of; near; behind).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§503. Science: Scientific Inquiry**

A. Science

<b>Standard 1: Children engage in scientific inquiry to explore observable phenomena (objects, materials, organisms, and events) in the physical and natural world.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Demonstrate interest in objects, materials, people and/or their environment using their senses.	Observe and explore the immediate environment using their senses.	Observe, ask questions, and make predictions about the physical and natural world, using their senses and simple tools.	Investigate, observe, ask questions, make predictions, make comparisons, and gather information about the physical and natural world using their senses and simple tools.	Observe, ask questions, predict, make comparisons, and gather information about the physical and natural world using their senses, prior knowledge, previous experiences, equipment, and tools.

<b>Standard 1: Children engage in scientific inquiry to explore observable phenomena (objects, materials, organisms, and events) in the physical and natural world.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
	Actively experiment with and explore the physical properties of objects and substances.	Put materials, substances, and/or objects together in new or unexpected ways to see what will happen.	Participate in simple scientific investigations.	Conduct scientific investigations and simple experiments.
	Communicate, verbally or non-verbally, what is seen, heard, or felt when exploring the physical and natural world.	Share ideas and thoughts related to interactions with, and observations made about the physical and natural world.	Describe and record findings from investigations they have conducted with prompting and support (e.g., verbally or non-verbally; drawings).	Describe and generate explanations and/or conclusions about investigations they have conducted with guidance and support (e.g., discussions; drawings; graphs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§505. Social Studies**

**A. Time and Place**

<b>Standard 1: Children demonstrate an awareness of time (past, present, and future) and place within the community.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Demonstrate anticipation of events in daily routines and activities.	Demonstrate anticipation of events in daily routines and activities using verbal and non-verbal cues.	Respond (positively or negatively) to changes in routines or schedules.	Recall the sequence of daily routines, events, and/or activities that happened at an earlier time.	Communicate events, activities, and people from the past.
		Demonstrate a general understanding of the passing of time and the meaning of phrases, such as “not now” and “after lunch”.	Communicate an awareness of time using gestures, words, or phrases (e.g., when I was little; when we lived in our old house).	Use time related vocabulary (e.g., today; tomorrow; before; after) with increasing accuracy.
		Recognize familiar landmarks, signs and buildings in one’s neighborhood/community	Communicate, with increasing specificity, the location of objects/areas at school, home, and within the community.	Identify familiar landmarks in their community (e.g., fire station; post office).
				Identify the relative location of specific objects and/or features in a familiar environment (e.g., classroom; playground) through drawings or play activities.

**B. Cultural Awareness**

<b>Standard 2: Children demonstrate an awareness of culture as it relates to self, family, and community.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Demonstrate a preference for familiar versus new individuals.	Distinguish between familiar and new individuals.	Identify known people in pictures.	Communicate information about their family and community.	Describe familiar elements of one’s family, community, and traditions.
	Demonstrate an awareness of the characteristics of themselves and others.	Identify the distinct characteristics of themselves and others.	Identify and/or ask questions about the distinct characteristics of groups of people and cultures.	Distinguish the distinct characteristics of groups of people and cultures.
		Carry out some routines and responsibilities in the classroom with adult support and guidance.	Carry out routines and responsibilities in the classroom with prompting from adults.	Identify responsibilities of self and others in school, home, and community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§507. Creative Arts**

**A. Music and Movement**

<b>Standard 1: Children engage in multiple and varied music and movement experiences.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Attend to, vocalize, and/or move body in response to different types of music and/or rhythmic sounds.	Move body in response to the beat and tempo of music and/or rhythmic sounds.	Move body to imitate the beat and tempo of music.	Move body with creativity to imitate the beat and tempo of music of different genres.	Express thoughts and feelings through dance and movement with increasing spatial awareness.
Make sounds and/or music using their bodies, toys, or small, shaker-type instruments.	Imitate sounds and/or music using their bodies and/or small instruments.	Imitate sounds and/or music using their bodies, instruments, and/or voice.	Create music using their bodies, instruments, and/or voice.	Create music using instruments and/or voice to produce more complex rhythms, tones, melodies, and songs. Show increasing awareness of various components of music: melody (tune), pitch (high and low sounds), rhythm (beat), tempo (speed), and volume.

**B. Visual Arts**

<b>Standard 2: Children engage in multiple and varied visual arts experiences.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Attend to visual stimuli (e.g., objects with contrasting colors; textured prints).	Respond to visual art by reaching for, pointing at, touching, or vocalizing/verbalizing.	Observe and respond to visual art by communicating a preference.	Observe and participate in discussions about various forms of art, including what they notice and what it makes them think about.	Observe and participate in discussions about various forms of art, including how it makes them feel and/or specific elements of art (e.g., color; line; texture).
	Explore a variety of materials to create visual art.	Explore a variety of materials and tools to create visual art.	Explore a variety of materials, tools, and techniques to create artistic works.	Use a variety of materials, tools, and techniques to create artistic works that reflect their own culture, thoughts, feelings, experiences, or knowledge.

**C. Dramatic Play**

<b>Standard 3: Children engage in multiple and varied forms of dramatic play.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Imitate behaviors, such as sounds, facial expressions, and gestures, of others.	Role-play familiar behaviors during play (e.g., rock baby doll; talk on phone).	Engage in dramatic play that expands beyond personal experiences (e.g., firefighter rescuing people).	Engage in dramatic play that includes both real-life and fantasy experiences.	Participate in dramatic play to express thoughts, feelings and creativity.
Respond to volume in tones and inflection.	Experiment with voice inflection during play.	Imitate and repeat voice inflections, such as character or animal sounds.	Create various voice inflections and facial expressions in play.	Represent a character by using voice inflections and facial expressions.
		Use props and pretend to be someone other than themselves.	Engage in play experiences that involve roles with the use of props and costumes.	Engage in a variety of play experiences that include elements of drama (e.g., roles; dialogue; props).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

**§509. Physical Development and Well-Being**

**A. Gross Motor**

<b>Standard 1: Children demonstrate large muscle control and coordination.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Explore the environment with increasing body awareness using senses and movement.	Coordinate senses with movement to show where their body is in relation to other objects and people in the environment.	Demonstrate body and spatial awareness to guide movement around objects and people.	Demonstrate body and spatial awareness in physical play activities (e.g., moves around cones).	Demonstrate increasing awareness of body and space in relation to other people and objects in physical play activities.
Demonstrate strength and control of head, trunk, arms, and legs while exploring new body positions and movements (e.g., sitting; crawling; kicking).	Move in a variety of ways and directions with increasing coordination and balance.	Use large muscle movements (locomotor skills) with increasing control, coordination, and balance (e.g., moving from sitting to standing; jumping).	Use large muscle movements (locomotor skills) with control, coordination, and balance (e.g., running; hopping; climbing stairs).	Coordinate movements of the whole body (locomotor skills) with control and balance to perform more complex tasks.
Demonstrate strength and control of one's body while exploring objects in their environment. (e.g., reaching; rolling over).	Maintain control of one's body in various positions while exploring and examining materials, activities, and spaces.	Use a variety of large muscle movements (non-locomotor) during play (e.g., hands in the air; turn around; stand on one foot).	Use large muscle movements (non-locomotor) with control, balance and coordination during active play (e.g., bending; stretching; twisting).	Demonstrate coordination when using objects during active play (e.g., throwing; catching; kicking balls).
Engage in play to develop strength and stamina by continuing purposeful movements over short periods of time (e.g., reaching; pushing; rolling over).	Engage in physical play activities for periods of time to develop strength and stamina.	Engage in physical play activities for moderate periods of time to develop strength and stamina.	Demonstrate strength and stamina that allows for participation in physical play activities for moderate periods of time.	Demonstrate increased strength and stamina that allows for participation in active play activities for extended periods of time.

**B. Fine Motor**

<b>Standard 2: Children demonstrate small muscle control and coordination.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Use whole hand and fingers to explore objects (e.g., touch; grasp; pick up; bang; transfer).	Demonstrate control and coordination of hand and fingers (small muscles) to manipulate objects.	Demonstrate increasing control and coordination of hand and fingers (small muscles) while engaged in intentional activities.	Demonstrate increasing control and coordination of hands, fingers, and wrists (small muscles) to manipulate objects and tools with a purpose.	Coordinate the use of hands, fingers, and wrists to manipulate objects and perform activities and tasks with precision.
Coordinate eye and hand movements when grasping or picking up objects.	Coordinate eye and hand movements to explore objects and participate in play activities (e.g., fill containers; stack blocks).	Coordinate eye and hand movements while performing simple tasks (e.g., using utensils for eating; putting simple puzzles together; stringing large beads).	Demonstrate eye-hand coordination to manipulate smaller objects (e.g., large buttons; zippers; scissors) with increasing control.	Demonstrate eye-hand coordination to perform complex tasks (e.g., cutting on lines; drawing) with moderate levels of precision and control.

**C. Healthy Behaviors**

<b>Standard 3: Children will demonstrate healthy and safe behaviors.</b>				
<b>Infants (Birth – 11 months)</b>	<b>Young Toddlers (9 - 18 months)</b>	<b>Older Toddlers (16 - 36 months)</b>	<b>Three Year Olds (36 - 48 months)</b>	<b>Four Year Olds (48 – 60 months)</b>
Engage in active movement (e.g., tummy time; holding head up; kicking legs; waving; rolling over).	Engage in active play indoors or outdoors with adult support.	Actively engage in physical activities indoors or outdoors (e.g., dance; hide and seek; climb on equipment).	Actively engage in a variety of games, as well as structured and unstructured indoor or outdoor physical activities.	Initiate and engage in a variety of physical activities (e.g., games; exercises) that enhance physical fitness.
			Recognize some foods (real or pictures) that are healthy and other foods that are less healthy for the body.	Identify different foods that are healthy and indicate why a particular food is healthy or unhealthy.

Standard 3: Children will demonstrate healthy and safe behaviors.				
Infants (Birth – 11 months)	Young Toddlers (9 - 18 months)	Older Toddlers (16 - 36 months)	Three Year Olds (36 - 48 months)	Four Year Olds (48 – 60 months)
	Participate in some basic safety practices (e.g., fire/tornado drills).	Follow safety rules with adult support.	Identify safety rules and follow them with guidance from adults.	Identify and follow safety rules with minimal guidance from adults (e.g., hold an adult’s hand when crossing the street; walk rather than run when indoors).
				Begin to identify and alert others of potential hazards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

### Chapter 7. Social-Emotional Development

#### §701. Introduction

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2474 (September 2013), repealed LR 49:

#### §703. Early Relationships with Adults and Peers

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2474 (September 2013), repealed LR 49:

#### §705. Self-Concept

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2474 (September 2013), repealed LR 49:

#### §707. Self-Regulation: Managing Behavior and Emotions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2474 (September 2013), repealed LR 49:

#### §709. The Role of Temperament

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2474 (September 2013), repealed LR 49:

### Chapter 9. Glossary

#### §901. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2478 (September 2013), repealed LR 49:

### Chapter 11. Strategies to Support Children with Disabilities and English Language Learners

#### §1101. Strategies for Including Children with Disabilities in Program Activities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:2478 (September 2013), repealed LR 49:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be increased costs to develop updated resources, guidance, and materials to support educators in their work as it relates to the Early Learning Development Standards. Most of these materials will be developed by Louisiana Department of Education (LDE) staff using existing resources. Additional resources may be developed using Child Care and Development Fund (CCDF) or American Rescue Plan Act (ARPA) dollars and will be determined as needed.

The proposed revisions replace and provide Early Learning and Development Standards (ELDS), a set of common, developmentally-appropriate expectations for what children typically know, understand, and are able to perform at different stages of early childhood. The ELDS provide age-appropriate goals for children's learning and development that guide teachers, caregivers, and other early childhood professionals on the types of experiences and activities children should have during their earliest years. ELDS can be used to support developmentally appropriate curriculum and assessment and to outline a progression of development and learning that supports success in school and in life.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may require child care providers to participate in further training; however, the LDE covers the cost of these trainings through Child Care Resource and Referral Agencies and/or through online trainings developed and provided by the LDE.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#035

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

#### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

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

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI.1723 in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed revisions clarify the deadline for teachers and staff in early learning centers to complete pediatric first aid and CPR training. Proposed revisions align with federal statute and allow staff 60 days from the date of hire to receive certification in pediatric first aid and CPR.

#### Title 28

#### EDUCATION

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

#### §1723. CPR and First Aid Certifications

A. - E. ...

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

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

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

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed revisions will not have an effect on costs or savings to state or local governmental units. The proposed revisions clarify the deadline for teachers and staff in early learning centers to complete pediatric first aid and CPR training. Proposed revisions align with federal statute and allow staff 60 days from the date of hire to complete certification in pediatric first aid and CPR.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed revisions will not have an effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed revisions clarify that child care staff have up to 60 days to complete pediatric and first aid training upon being hired. This may allow providers to hire staff sooner since they do not have to be certified before being hired.

Beth Scioneaux  
Deputy Superintendent  
2210#036

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Attendance  
(LAC 28: CXV.333, 337, 1103, and 1104)

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

#### Title 28

#### EDUCATION

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

#### Chapter 3. Operation and Administration

#### §333. Instructional Time

A. - C. ...

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

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

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

#### §337. Written Policies and Procedures

A. - B.14. ...

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

16. - 32.c. ...

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

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

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

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

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

#### Chapter 11. Student Services

#### §1103. Compulsory Attendance

A. - C. ...

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

D.1 - N. ...

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

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

#### §1104. Remote Instruction

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? Yes.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Attendance**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed revisions will not have an effect on costs or savings to state governmental units. There may be costs to school districts associated with making federal election days legal holidays for all schools which serve as a polling place to the extent that these schools do not already close on such days. There may also be increased workload to develop the continuous learning plans required by the proposed revisions. However, any associated costs are indeterminable.

The revisions align policy with Louisiana Revised Statutes 17:151.1, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each school governing authority to develop a written continuous learning plan for modified operations during school closures. Finally, the revisions specify that the Tuesday following the first Monday in November in even-numbered years is a legal holiday for schools which serve as polling places.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#039

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

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

**Title 28  
EDUCATION**

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

**Chapter 3. Operation and Administration**

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

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

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

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

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

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

exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? Yes.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small

businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Installation and Operation of Cameras in Certain Special Education Settings**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed revisions will not result in additional state costs in FY 23, as the Board of Elementary and Secondary Education (BESE) has already allocated \$8 M in Statutory Dedications out of the Special Education Classroom Monitoring Fund to local education agencies (school districts and charter schools) for the purchase and installation of the cameras and related equipment from funding appropriated by Act 199 of the 2022 Regular Legislative Session. The funding was allocated to local education agencies at a rate of \$3,808 per special education classroom.

Currently, school districts are responsible for costs associated with ongoing maintenance of the cameras and equipment. To the extent that the legislature appropriates additional funding for camera maintenance in future years, there will be additional state costs. If the legislature does not appropriate additional funding, these maintenance costs will be borne by local education agencies.

Local education agencies will need to draft policy according to the provisions in the proposed rule, as well as arrange for the purchase and installation of cameras upon request by a parent of a student in a qualifying classroom. Education agencies have already received funding for the purchase and installation of the cameras, and costs associated with drafting policy are expected to be negligible.

The proposed revisions align policy with Louisiana Revised Statute 17:1948, created by Act 456 of the 2021 Regular Legislative Session and amended by Act 588 of the 2022 Regular Legislative Session. The proposed revisions amend policy contained in Bulletin 741—*Louisiana Handbook for School Administrators*, to establish §332. Installation and Operation of Cameras in Certain Special Education Settings, regarding the adoption of policies for the installation of cameras in certain special education classrooms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units. Local education agencies (LEAs) have already been allocated \$8 M by Act 199 of the Regular Legislative Session to cover the purchase and installation of the cameras. The amount of the allocation for each local system was determined through analysis of the most recent school year data (2021-2022) to determine the number of classrooms in which each LEA may be asked to install a camera. Each LEA was allocated \$3,808 per special education classroom.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in additional costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#037

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

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

**Title 28**

**EDUCATION**

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

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

A. The parent or legal custodian of a student may enroll the child in a Louisiana public school, without regard to

residence, school system, geographic boundaries, or attendance zones, contingent upon the following:

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

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

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

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

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

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

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

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

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

C. LEA Responsibilities

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

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

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

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

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

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

b. the process for submitting student transfer requests; and

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

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators Student Transfer Requests**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There may be increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process appeals and to the Department of Education (LDE) for data collection and reporting; however, any increased costs are unlikely to be significant and will depend on the number of parents appealing a transfer denial.

In response to Act 420 (House Bill 211) of the 2021 Regular Legislative Session, BESE anticipated the potential need to add one position to process appeals for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits). In addition, BESE reported that it would require \$2,450 in operating expenses and \$435 in professional services annually to conduct an additional special meeting to process the appeals, for a total cost of \$77,900 per year. However, BESE now anticipates it will be able to incorporate the increased workload with existing staff and resources, and transfer appeals will be reviewed at the Board's June meeting if possible. BESE reports that it received no transfer requests during the 2021-2022 school year.

The proposed revisions may result in additional transportation costs to school districts who provide transportation to students who live within the geographical boundaries of the district but outside of regular transportation routes established by the district. District-level personnel may experience increased workload from processing paperwork associated with school transfer requests and communication of transfer eligibility. These costs are indeterminable.

The proposed revisions establish §3501. Student Transfer Requests, within Bulletin 741—*Louisiana Handbook for School*

*Administrators*, in accordance with Act 420 (House Bill 211) enacted during the Louisiana 2021 Regular Legislative Session. The proposed revisions provide for student transfer requests from schools that received a school performance letter grade of “D” or “F” for the most recent school year and align with the processes described in LAC 28:L.1313 and 1315 regarding student transfer appeals as well as with Louisiana Revised Statute 17.4035.1.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions may have an effect on the amount of Minimum Foundation Program funding received by a school district due to inter-district transfers. This impact is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may have an impact on employment if enough students transfer to or from a school or district to warrant a change in the number of personnel retained by the school or district. However, this is indeterminable.

Beth Scioneaux  
Deputy Superintendent  
2210#038

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

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

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

## Title 28 EDUCATION

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

#### §119. Written Policies

A. - C.4. ...

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

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

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

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

### Chapter 9. Student Services

#### §901. Attendance

A. ...

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

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

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

B.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 39:1442 (June 2013), LR 45:1055 (August 2019), LR 48:

#### §907. Remote Instruction

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

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

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

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

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

D. Remote attendance policy extends to students enrolled in a course for which instruction usually occurs in person at

a school site, but for which instruction has been temporarily transferred to a remote delivery method due to initiation of continuous learning, a situation that renders the school site inaccessible for daily instructional activities, or for students temporarily unable to physically attend at the school site.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? Yes.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety,

environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed revisions will not have an effect on costs or savings to state governmental or local governmental units, as they apply to nonpublic schools.

The revisions align policy with Louisiana Revised Statutes 17:151.1, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each nonpublic school system to develop a written continuous learning plan for modified operations during school closures.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There may be increased workload for nonpublic schools to develop the continuous learning plans required by the proposed revisions. However, any associated costs are indeterminable.

The proposed revisions will not result in costs and/or benefits to other directly affected persons, small businesses, or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#040

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend *Bulletin 746—Louisiana Standards for State Certification of School Personnel* (LAC

28:CXXXI.303, 507, 511, 513, 515, 527, 531, and 535). The revisions relate to legislation enacted during the 2022 Regular Legislative Session regarding exam and GPA requirements for admittance into educator preparation programs and educator certification issuance.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel  
Chapter 3. Initial Teacher Certification  
Subchapter B. Testing Required for Certification Areas §303. Certification Exams and Scores**

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

1. - 1.b. Repealed.

A.2. - B. ...

\* \* \*

**C. Certification Areas**

**1. Grades 6-12 Certification**

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

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

**2. All-Level K-12 Certification**

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

D. - G. ...

\* \* \*

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

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

**Chapter 5. Teaching Credentials, Licenses and Certifications**

**Subchapter A. Standard Teaching Certificates**

**§507. Professional Level Certificates**

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

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

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

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

3. Undergraduate program completers and alternate preparation completers completing a one-year in-state residency must hold a resident teacher certificate in accordance with §535 of this chapter and receive mentoring by a classroom-based mentor teacher in accordance with §553 of this Chapter.

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

5. Grade Point Average Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education; and

1. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state education agency (SEA) or teacher preparation program provider in the state of origin verifying eligibility in that state for a certificate in the certification area(s); and

2. pass all parts of exams required for Louisiana certification in accordance with §303 of this Part for the area(s) of certification, and the specialty area or content area exam in the certification area in which the teacher preparation program was completed or in which initial certification was issued;

3. complete student teaching, internship, residency, or year(s) of successful teaching experience as required by teacher preparation program provider; and

4. has not been out of teaching in the five year period immediately preceding first employment or application for a Louisiana educator credential.

5. An applicant who has not taught in five years may be issued a one-year non-renewable OS1 certificate during completion of six semester hours required for issuance of a three-year non-renewable OS certificate.

6. National Board Certification fulfills exam requirements in corresponding areas for educators holding out-of-state certification/licensure.

7. Three years of successful teaching experience in another state, as verified by the employing authority or SEA, fulfills exam requirements in corresponding areas.

8. The employing authority must recommend applicant for further employment, and request issuance of a valid Louisiana educator credential.

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

1. If the degree is received from an institution located in another state/country, the guidelines prescribed for out-of-state applicants must be followed.

2. Level 1 criteria also includes passing scores on appropriate pedagogy, certification area, and specialty area exams in accordance with §303 of this Part.

E. Level 2 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 1 certificate;

2. successfully meet the standards of effectiveness for three years pursuant to state law and LAC 28:CXLVII.130 with any out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. accrue three years of experience in an approved educational setting.

4. If the level 2 certificate is the initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 1 certificated teacher qualifies for advancement to a level 2 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

F. Level 3 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 2 certificate;

2. earn a graduate degree from a college or university accredited in accordance with 34 CFR 602; and

3. have five years of experience in an approved educational setting with any out-of-state experience verified as successful by the out-of-state employing authority or SEA.

4. If the level 3 certificate is initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 2 certificated teacher qualifies for advancement to a level 3 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

G. Renewal/Extension Guidelines for Level 1, Level 2, and Level 3 Certificates:

1. Level 1 certificate is valid for three years initially and may be extended thereafter for a period of one year at the request of a Louisiana employing authority with extensions of Level 1 certificates being limited to two such extensions.

2. Level 2 and level 3 certificates are valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority, with renewal of level 2 and level 3 certificates, contingent upon candidates successfully meeting the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to state law and LAC 28:CXLVII.130.

H. Temporary Employment Permit (TEP) Applicant Eligibility. Level 1 professional certificates require a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602.

1. Candidates completing a teacher preparation program must obtain either:

a. passing scores on appropriate pedagogy, certification area, and specialty area exams in accordance with §303 of this Part; or

b. successfully meet the standards of effectiveness at the level of highly effective or effective proficient for five years pursuant to LAC 28:CXLVII.130.

2. Candidates who have not completed a teacher preparation program but holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted must complete pre-service training prior to the first day as a teacher of record.

a. The Louisiana employing authority must submit the application recommending certification to the LDE, including a signed affidavit verifying there is no other available applicant meeting certification requirements for the specific teaching position.

b. The teacher must be mentored by a certified mentor teacher in accordance with §553 of this Chapter.

c. Standards of effectiveness must be successfully met at the level of highly effective or effective proficient for five years in accordance with LAC 28:CXLVII.130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### **§511. Out-of-State (OS) Certificate**

A. An out-of-state (OS) certificate, valid for a three-year period, is not renewable, and is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a standard certificate in the state in which the program was completed. The teacher is not initially eligible for a level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the exam requirements in accordance with §303 of this Part. OS certification provides a transition period that permits the holder to be employed in Louisiana K-12 schools while completing Louisiana exam requirements. For continued employment as a teacher in a Louisiana school system after the three-year period has elapsed, the OS certificate holder must fulfill guidelines for a level 1 or higher-level certificate.

B. - B.6. ...

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate:

1. Pass exam(s) required for Louisiana certification in accordance with §303 of this Part.

2. National Board Certification fulfills exam requirements in corresponding areas for educators holding out-of-state certification/licensure.

3. Three years of successful teaching experience in another state, as verified by the employing authority or SEA fulfills exam requirements in corresponding areas.

4. The employing authority must request issuance of a valid Louisiana educator credential.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 35:2754 (December 2009), LR 36:2001 (September 2010), LR 40:1332 (July 2014), LR 48:432 (March 2022), repromulgated LR 48:1036 (April 2022), LR 48:

#### **§513. World Language Certificate (WLC) PK-12**

A. - D. ...

E. Professional Certificate. A professional level 1 certificate may be issued after successful completion of exam requirements in accordance with §303 of this Part.

F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1036 (April 2022), LR 48:

#### **§515. Practitioner Licenses**

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

b. 2.20 or higher undergraduate GPA on a 4.00 scale to enter a teacher preparation program; and

c. passing scores on exam requirements in accordance with §303 of this Part, or if no examination has

been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program.

4.d. - 7.a. ...

b. 2.20 GPA or higher on a 4.00 scale to enter a teacher preparation program;

A.7.c. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:

### **Subchapter B. Nonstandard Teaching Credentials**

#### **§527. Temporary Authority to Teach (TAT)**

A. - B.2. ...

3. The applicant must have at least a 2.20 undergraduate GPA.

C. - D.1. ...

a. the applicant provides evidence that the required exam(s) for admission into a teacher preparation program has been taken at least twice since the issuance of the TAT or TAT renewal;

b. - d. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 48:

### **Subchapter B. Nonstandard Teaching Credentials**

#### **§531. Temporary Employment Permit (TEP)**

A. Temporary Employment Permit (TEP) may be issued to any person who holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted or any person meeting all certification requirements except passage of exam requirements. A TEP is issued for one year, renewable annually, and may be held a maximum of five years while the holder pursues standard certification via successful years of teaching or satisfaction of state exam requirements. Upon completion of the five years of employment on a TEP, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility Guidelines 1. Applicant meets all certification requirements with the exception of passing all exam requirements in accordance with §303 of this Part but who scores within 10 percent of the score required for passage of all exams.

1. The Louisiana employing authority must submit the application to the LDE.

2. The Louisiana employing authority must submit a signed affidavit to the LDE stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Issuance of a TEP may not waive the requirement that the person must successfully complete the exam.

4. Applicant must be mentored by a certified mentor in accordance with §553 or §1369 of this Part.

C. Eligibility Guidelines 2. Applicant has not completed a teacher preparation program but holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted and must complete pre-service training prior to the first day as a teacher of record.

1. The Louisiana employing authority must submit the application recommending certification to the LDE, including a signed affidavit verifying there is no other available applicant meeting certification requirements for the specific teaching position.

2. The teacher must be mentored by a certified mentor teacher in accordance with §553 or §1369 of this Chapter.

3. Standards of effectiveness must be successfully met at the level of highly effective or effective proficient for five years in accordance with LAC 28:CXLVII.130.

D. Renewal Requirements. A TEP can be renewed up to four times upon verification of:

1. required exams retaken twice within one year from the date the TEP was issued;

2. mentorship provided by a school-based mentor teacher credentialed in accordance with §553 or §1369 of this Part;

3. standards of effectiveness successfully met at the level of highly effective or effective proficient pursuant to LAC 28:CXLVII.130;

4. affidavit signed by local superintendent, or designee, of good faith efforts to recruit certified personnel that include posting positions for which a TEP is issued; and

5. no regularly certified, competent, and suitable applicant is available.

6. The employing school system must submit the application on behalf of the applicant.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 48:

#### **§535. Resident Teacher Certificate (R)**

A. - C.1. ...

2. placement in a classroom in a public or approved nonpublic school with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746; and

3. 2.20 GPA or higher on a 4.0 scale for entry into the program.

4. Resident teachers placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII.130.

D. - H. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), LR 48:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a

Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? Yes.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? Yes.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed revisions will not affect costs or savings to state or local governmental units.  
The proposed revisions relate to legislation enacted during the 2022 Regular Legislative Session regarding exam and GPA requirements for admittance into educator preparation programs and educator certification issuance. Further, the revisions allow out-of-state certification candidates who have not completed one year of teaching in Louisiana to be exempt from Louisiana exams provided that they meet other requirements. The revisions also add a temporary employment permit (TEP) pathway for prospective educators who already hold a master’s degree in the content area in which they would like to teach. Finally, the revisions revise teacher certification requirements to require foundational literacy skills.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed revisions will not have an effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
Prospective educators will save the cost of the Praxis Core exams: \$150 for the combined assessment or \$270 if taking the exams separately. Removal of the provision requiring the Praxis Core examination may provide economic benefits to an indeterminate number of prospective educators by allowing participation in preparation programs from which they were previously prohibited.  
Educators in alternate teacher preparation programs applying for initial or add-on certification in one of the areas affected by these revisions will incur an examination fee of \$156 if they take the PRAXIS teaching reading exam in lieu of required credit hours or BESE-approved literacy foundations training.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Removing the Praxis Core requirement will allow more prospective educators to participate in preparation programs, increasing the pool of qualified educators in Louisiana. Adjusting certification requirements for out-of-state certification and adding a temporary employment permit (TEP) pathway may also help alleviate the teacher shortage.  
However, the revisions also eliminate the admissions criteria to alternative teacher preparation programs for

applicants who do not meet GPA requirements. Currently, applicants to alternative teacher preparation programs who do not meet the minimum GPA requirements may instead be admitted upon a satisfactory personal interview with the program admissions officer.

The number of applicants who will be barred from entry to alternative teacher preparation programs due to the proposed revisions is indeterminable; however, data obtained by the Department of Education indicate that from 2019 to 2021, 715 applicants for alternative teacher preparation programs were admitted through the personal interview process. Under the proposed revisions, some of these applicants may have been permanently barred from entry into the programs.

Beth Scioneaux  
Deputy Superintendent  
2210#041

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Algebra I  
(LAC 28:CXXXI.1341)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI.1341 in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions align the availability of an add-on endorsement to teach Algebra I with the geometry endorsement adopted by BESE in June 2022, which is available to teachers with an existing Louisiana teaching certification.

#### Title 28 EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 13. Endorsements to Existing Certificates Subchapter C. All Other Teaching Endorsement Areas §1341. Algebra I

##### A. Eligibility requirements:

1. valid OS or standard, professional level 1 Louisiana teaching certificate or higher; and
2. pass the Algebra I exam.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 48:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

## Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 746—Louisiana Standards for State Certification of School Personnel—Algebra I**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units.

The revisions simplify the requirements to obtain an add-on endorsement to teach Algebra I, which will be available to teachers with an existing Louisiana teaching certification. The revisions decrease the number of exams required and align the criteria to the recently adopted geometry add-on endorsement.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of local governmental units. If the revisions lead to an increase in the number of applications for an Algebra I endorsement, the Department of Education (LDE) will receive additional revenue from application fees. The application fee is \$25. However, applications for endorsements from 2019-2021 averaged fewer than 30 per year. Unless the revisions lead to a very significant increase in the number of teachers seeking Algebra I endorsements, any increase in state revenue is unlikely to be significant.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Educators who choose to add an Algebra I endorsement to an existing certificate will need to take the Algebra I Praxis examination, test code 5162, at a cost of \$130. A \$25 application fee is required to update the teaching certificate.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The need for Algebra I teachers is projected to increase. There is currently a shortage of secondary math teachers. Making this endorsement immediately available to teachers and schools may help to address this demand.

Beth Scioneaux  
Deputy Superintendent  
2210#042

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs  
(LAC 28:XLV.743 and 745)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs*. The aforementioned revisions align policy with recently approved legislation and update the grade point average and Praxis exam requirements for admission into educator preparation programs.

### Title 28 EDUCATION

#### Part XLV. **Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs**

##### Chapter 7. **Louisiana State Standards for Educator Preparation Programs**

##### Subchapter C. **Teacher Preparation Programs**

#### §743. **Minimum Requirements for Traditional Teacher Preparation Programs**

A. - D.3. ...

E. To be admitted into a traditional teacher preparation program, candidates must meet minimum GPA requirements of 2.20 or higher grade point average (GPA) on a 4.00 scale.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:

#### §745. **Minimum Requirements for Alternate Teacher Preparation Programs**

A. - F.1. ...

2. meet minimum 2.20 or higher undergraduate GPA on a 4.00 scale to enter a teacher preparation program; and

3. pass the required content examinations or meet alternate requirements pursuant to Bulletin 746. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? Yes.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Educational Preparation Programs

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units.

The revisions remove the Praxis Core examination as a prerequisite for entry to a teacher preparation program and adjust the grade point average requirement in accordance with state statute. The revisions also eliminate the alternative admissions criteria to alternative teacher preparation programs for applicants who do not meet GPA requirements.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Prospective educators will save the cost of the Praxis Core exams: \$150 for the combined assessment or \$270 if taking the exams separately. Removal of the provision requiring the Praxis Core examination may provide economic benefits to an indeterminable number of prospective educators by allowing participation in preparation programs from which they were previously prohibited.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Data from Educational Testing Services suggests that over a five-year period between fall 2015 and spring 2020, almost 5,000 prospective educators in Louisiana were barred from entering a teacher preparation program due to a failure to pass one or more Praxis Core examinations. Removing the Praxis Core requirement will allow more prospective educators to participate in preparation programs, increasing the pool of qualified educators in Louisiana.

However, the revisions also eliminate the admissions criteria to alternative teacher preparation programs for applicants who do not meet GPA requirements. Currently, applicants to alternative teacher preparation programs who do not meet the minimum GPA requirements may instead be

admitted upon a satisfactory personal interview with the program admissions officer.

The number of applicants who will be barred from entry to alternative teacher preparation programs due to the proposed revisions is indeterminable; however, data obtained by the Department of Education indicate that from 2019 to 2021, 715 applicants for alternative teacher preparation programs were admitted through the personal interview process. Under the proposed revisions, some of these applicants may have been permanently barred from entry into the programs.

Beth Scioneaux  
Deputy Superintendent  
2210#043

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities—Alternate Assessment Participation Criteria (LAC 28:XCVII.505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XCVII in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*. The proposed revisions add K-2 alternate assessment eligibility criteria pursuant to the federal Every Student Succeeds Act, which requires that alternate assessments are provided for students with significant cognitive disabilities, and that state education agencies must provide eligibility criteria for any statewide alternate assessments.

### Title 28 EDUCATION

#### Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

#### Chapter 5. Participation in Statewide Assessments §505. Alternate Assessment Participation Criteria

A. Grade 3-11 Alternate Assessment includes LEAP Connect and ELPT Connect. To be eligible to participate in the alternate assessment, the IEP team must verify the student in grades 3-11 meets the criteria listed in this subsection.

1. - 4.e. ...

f. student's disability according to Bulletin 1508, unless the disability excludes the student from having a significant cognitive disability including emotional disturbance, significant learning disability (SLD), or speech/language impairment;

4.g. - k. ...

B. K-2 Alternate Assessment Eligibility. Participation in the K-2 Alternate Assessment, including ELPT Connect, requires that students participate in annual screeners. The IEP team must annually determine eligibility, using qualitative and quantitative data, where available. The K-2 Alternate Assessment Participation Decision-Making Tool will identify student eligibility to participate in an alternate assessment if:

1. the student has a significant cognitive disability or multiple disabilities that significantly impact cognitive and adaptive functioning:

a. if the current evaluation of the student has a full-scale cognitive score, the existing cognitive score indicates cognitive functioning three or more standard deviations below the mean;

b. the K-2 Alternate Assessment Participation Decision-Making Tool column four indicates adaptive skill deficits in all three domains of conceptual, social, and practical that are characteristic of a most significant cognitive disability:

i. conceptual domain. Student requires significantly modified curriculum and instructions, is unable to clearly express wants and needs, experiences significant delays in receptive skills, and needs maximum assistance to communicate;

ii. social domain. Student often uses behaviors to communicate, may be nonverbal, may have limited communication skills in terms of vocabulary, and may use symbolic communication;

iii. practical domain. Student requires significant support and direct instruction across all activities of daily living and personal and health needs and is likely dependent upon others for these needs;

2. the student IEP goals and instruction are linked to Louisiana state content standards supported by the Connector Standards;

3. the student requires extensive, repeated, direct, individualized instruction and substantial support to achieve measurable gains in the grade level and age-appropriate curriculum:

a. supports are not temporary or transient in nature;

b. substantially adapted materials and individualized methods of accessing information in alternative ways are required;

4. LAC 28:XCVII.505.A.4 shall also apply to alternate assessment eligibility decisions for K-2 students.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019), LR 49:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities Alternate Assessment Participation Criteria**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state governmental units. The Louisiana Department of Education (LDE) has already developed a tool to determine eligibility to participate in alternate assessments.

There may be additional workload for Individual Education Program (IEP) teams to administer the alternate assessment eligibility tool; however, this workload is likely to be minimal.

The proposed revisions add K-2 alternate assessment eligibility criteria pursuant to the federal Elementary Student Succeeds Act (ESSA) which requires that alternate assessments are provided for students with significant cognitive disabilities, and that state education agencies must provide eligibility criteria for any statewide alternate assessments.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#044

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Innovative Assessment Program  
(LAC 28:XI.301, 307, 601, 709, 3901, 3903,  
4001, 5107, 5701, 6401, 6403, and 6405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI.301, 307, 601, 709, 3901, 3903, and 4001 in *Bulletin 111—The Louisiana School, District, and State Accountability System* and LAC 28:XI.5107, 5701, 6401, 6403, and 6405 in *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions update policy related to the Innovative Assessment Program, which provides an alternative approach to measuring how well students know and understand the Louisiana English Language Arts content standards. Revisions also add the new English Language Proficiency Test (ELPT) Connect, an alternate assessment created for English learners with significant cognitive disabilities.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

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

**Chapter 3. School Performance Score Component**

**§301. School Performance Score Goal  
[Formerly LAC 28:LXXXIII.301]**

A. - C.1. ...

2. Beginning in 2017-2018 (2018 SPS), the school performance score for K-8 schools will include an assessment index, progress index, and dropout/credit accumulation index. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

K-8 School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-18	No Later than 2019-20
3-8 and high school LEAP 2025, Innovative Assessment, LEAP Connect, and ELPT* and ELPT Connect*	Grades K-7	75 percent	70 percent
***			

\*Beginning in 2023-2024

3. Beginning in the 2017-2018 school year (2018 SPS), the school performance score for schools with a grade 12 will include five indicators as outlined in the table below. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

High School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-2018	No Later than 2019-2020
High school LEAP 2025, LEAP Connect, and ELPT* and ELPT Connect*	Grades 9-12	12.5 percent	12.5 percent
***			

\*Beginning in 2023-2024

\*\* When calculating a school's ACT index score, students participating in the LEAP Connect assessment shall not be included in the denominator of such calculation unless the students take the ACT.

4. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020), LR 47:444 (April 2021), LR 48:

**§307. Innovative Assessment Program**

A. Beginning in the 2019-2020 school year, the LDE began piloting a new Innovative Assessment Program.

B. For the 2021-2022 school year only, the ELA assessment index for operational participants will be calculated using either the most recent pre-pilot assessment index for ELA or the current year pilot assessment index, whichever yields the higher school performance score, will be used as the ELA component of the overall assessment index.

1. This policy shall not impact a school or system's progression in intervention status for purposes of federal accountability. Intervention status will be determined by using the current year's IAP results.

C. Beginning in 2022-2023, a student's end of year Innovative Assessment Program achievement level and scale score shall be used in the calculation of accountability. If a student does not participate in all administrations of the Innovative Assessment Program and does not receive an end of year achievement level and scale score, they shall be required to take the traditional LEAP 2025 assessment in ELA.

D. The LDE will annually update BESE on the status of the assessment pilot transition beginning December 2019.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), LR 48:

**Chapter 6. Inclusion in Accountability**

**§601. State Assessments and Accountability  
[Formerly §515]**

A. - B.3. ...

C. All students who are English learners shall take the Louisiana English language proficiency test (ELPT) assessment or the English language proficiency test Connect (ELPT Connect) annually, as well as the appropriate state assessment for their enrolled grade.

D. ...

E. English learners who have not been enrolled in a school in the United States for one full school year shall participate in all required academic assessments and the ELPT or ELPT Connect (for qualifying students).

E.1. - G. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:2422 (October 2005), LR 32:1022 (June 2006), LR 33:253 (February 2007), LR 36:1990 (September 2010), LR 37:2119 (July 2011), LR 38:1212 (May 2012), LR 38:3107 (December 2012), 39:2443 (September 2013), LR 40:2507 (December 2014), LR 44:452 (March 2018), LR 47:446 (April 2021), LR 48:

**Chapter 7. Graduation Cohort, Index, and Rate  
[Formerly Chapter 6]**

**§709. Calculating a Strength of Diploma Index  
[Formerly §613]**

A. Beginning in 2017-2018 (2016-2017 cohort), points shall be assigned for each member of a cohort according to the following table.

Student Result	Points
HS Diploma plus: (a) Associate's Degree or (b) Fast Forward Apprenticeship Pathway (Advanced Plus) or (c) Statewide Advanced Plus Level III/IV Jump Start credential	175
HS Diploma plus: (a) At least twelve (12) Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge or (b) Statewide Advanced Jump Start credential or Tech Diploma (TD)	150
HS Diploma plus: (a) At least six (6) Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP or IB, or Cambridge or (b) Statewide Basic Jump Start credential or Certificate of Tech Studies (CTS)	125
Four-year graduate (includes Career Diploma student with a regional Jump Start credential)	100
Five-year graduate with any diploma *Five-year graduates who earn at least twelve (12) Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge, or a Statewide Advanced Jump Start credential or Tech Diploma (TD) will generate 140 points. Five-year graduates who earn an Associate's Degree will generate 150 points.	75
Six-year graduate with any diploma	50
HiSET plus Jump Start credential	40
HiSET	25
Non-graduate without HiSET	0

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:448 (April 2021), LR 48:

### Chapter 39. Inclusion of Students with Disabilities

#### §3901. Assessment of Students with Disabilities

[Formerly LAC 28:LXXXIII.3901]

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the 3-8 or high school LEAP 2025, ACT, LEAP Connect, or Louisiana English language proficiency test (ELPT and ELPT Connect) shall be included in the calculation of the SPS. Students with

disabilities shall take the assessments with accommodations, if required by their individualized education program (IEP).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 36:1994 (September 2010), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021), LR 48:

#### §3903. LEAP Alternate Assessment Participation

Criteria [Formerly LAC 28:LXXXIII.3903]

A. Students with disabilities participating in the LEAP and ELPT alternate assessments LEAP Alternate Assessment, LEAP Connect, must meet specific participation criteria as stated in LAC 28:LV.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021), LR 48:

### Chapter 40. Definitions Related to English Proficiency

#### §4001. Proficient in English

[Formerly LAC 28:LXXXIII.4001]

A. - C. ...

D. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:767 (April 2004), amended LR 33:254 (February 2007), LR 34:2552 (December 2008), LR 36:2243 (October 2010), LR 38:3115 (December 2012), LR 44:460 (March 2018), LR 46:15 (January 2020), LR 48:

#### Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

### Chapter 51. General Provisions

#### §5107. Assessment Programs

[Formerly LAC 28:CXI.107]

A. - B.2. ...

C. Innovative Assessments. The Innovative assessment program allows for unit-based measures of performance that indicate how well students in participating school systems and grade levels have mastered the English language arts state content standards.

D. LEAP Connect. The LEAP Connect is an alternate assessment, designed for students with significant disabilities, which evaluates each eligible special education student's knowledge and skills in targeted areas.

E. English Language Proficiency Test (ELPT). The ELPT is an assessment program designed to measure proficiency in reading, writing, speaking, and listening of English learners.

F. English Language Proficiency Test Connect (ELPT-Connect). The ELPT Connect is an alternate English proficiency test, designed for English learners with significant disabilities.

G. National Assessment of Educational Progress (NAEP). Also known as the nation's report card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

H. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 36:477 (March 2010), LR 40:2509 (December 2014), LR 44:462 (March 2018), LR 47:566 (May 2021), LR 48:

**Chapter 57. Assessment Program Overview**

**§5701. Overview of Assessment Programs in Louisiana [Formerly LAC 28:CXI.701]**

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
<b>Kindergarten Screening</b>		
***		
<b>Norm-Referenced Tests (NRTs)</b>		
***		
<b>Criterion-Referenced Tests (CRTs)</b>		
***		
LEAP 2025	Civics	fall 2023-
Innovative Assessment	ELA grade 7	fall 2021-
Innovative Assessment	ELA grades 6, 7, 8	fall 2022-
<b>Integrated NRT/CRT</b>		
***		
<b>Special Population Assessments</b>		
***		
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3-11.	spring 1999–spring 2003 (no longer administered)
English Language Proficiency Test (ELPT)	English Learners in grades K-12	spring 2018-
English Language Proficiency Test Connect (ELPT Connect)	English learners in grades K-12 who meet criteria for participation in alternate assessment	spring 2023-
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K-12	spring 2005-2017
Academic Skills Assessment (ASA) and ASA LAA 2 form	Students pursuing a State-Approved Skills Certificate (SASC) or GED	spring 2012 (one administration only, spring 2012)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020), LR 47:566 (May 2021), repromulgated LR 47:721 (June 2021), amended LR 48:38 (January 2022), LR 48:

**Chapter 64. Innovative Assessments**

**Subchapter A. General Provisions**

**§6401. Introduction**

A. The Innovative Assessment is a criterion-referenced testing program that is directly aligned with the state content standards for English Language Arts. The assessment is closely aligned to the LEAP 2025 English language arts assessments and measures how well students have mastered the state content standards using unit-based assessments. Test results are reported in terms of achievement levels and scale scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

**Subchapter B. Achievement Levels and Performance Standards**

**§6403. Achievement Levels**

A. The Louisiana achievement levels are:

1. advanced;
2. mastery;
3. basic;
4. approaching basic; and
5. unsatisfactory.

B. Achievement Level Definitions. The definitions of the Louisiana achievement levels are consistent with the definitions of basic, proficient, and advanced in English language arts for NAEP.

1. *Advanced (Proficient)*—students performing at this level have exceeded college and career readiness expectations and are well prepared for the next level of studies in this content area.

2. *Mastery (Proficient)*—students performing at this level have met college and career readiness expectations and are prepared for the next level of studies in this content area.

3. *Basic*—students performing at this level have nearly met college and career readiness expectations and may need additional support to be fully prepared for the next level of studies in this content area.

4. *Approaching Basic*—students performing at this level have partially met college and career readiness expectations and will need much support to be prepared for the next level of studies in this content area.

5. *Unsatisfactory*—students performing at this level have not yet met the college and career readiness expectations and will need extensive support to be prepared for the next level of studies in this content area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

**§6405. Performance Standards**

A. Performance standards for Innovative assessment English language arts assessments are finalized in scale score form. The scale scores range between 650 and 850.

1. English Language Arts

English Language Arts						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	810-850	790-850	799-850	790-850	785-850	794-850

English Language Arts						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Mastery	750-809	750-789	750-798	750-789	750-784	750-793
Basic	725-749					
Approaching Basic	700-724					
Unsatisfactory	650-699					

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered

and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

##### RULE TITLE: Innovative Assessment Program

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be increased costs to the Department of Education (LDE) to implement the Innovative Assessment Program (IAP) for grades 6-8. While the cost of implementing the IAP for these grade levels is indeterminable, the total cost of implementing the IAP for grades 3-8 is expected to be \$4.4 M in FY23. Costs in subsequent years are indeterminable.

The proposed revisions implement the IAP for grades 6-8. The IAP provides an alternative approach to measuring how well students know and understand the Louisiana English Language Arts content standards. The IAP has been piloted since the 2018-19 school year and was developed through the use of philanthropic funding. In June 2021, the Board of Elementary and Secondary Education (BESE) approved a contract for \$2.7 M with NWEA to expand IAP content to grades 3-5. In October, the LDE will present to BESE an amendment to this contract which increases the scope of services, including content development for the grades 6-8 assessments. Under the amended contract, the total payment in FY 23 will be \$4.4 M.

The original contract for grades 3-5 is funded through the federal Competitive Grant for State Assessments. The LDE reports it will supplement the amended contract with Elementary and Secondary School Emergency Relief (ESSER) and Individuals with Disabilities Act (IDEA) funding. Funding sources beyond FY 23 are indeterminable, and may include SGF or 8(g) program funding.

The revisions also implement the new English Language Proficiency Test (ELPT) Connect, an alternate assessment

created for English learners with significant cognitive disabilities. The cost of developing the new English Language Proficiency Test (ELPT) Connect assessment is included within the LDE’s English Language Proficiency Assessment for the 21st Century (ELPA21) membership. The total cost of membership in the ELPA21 assessment system is approximately \$1.4 M per year and includes all of the English Learner Assessments used by the state. Title I Part B funds are used to pay for this membership.

There may also be increased workload to local school districts to implement the new assessments; however, any associated costs are indeterminate.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2210#033

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

**One-Time Wastes Excluded—Marine Shale Processors  
(MSP) Site PRP Group  
(LAC 33:V.4999) (HW129)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.4999, Appendix E (HW129).

The Marine Shale Processors Site PRP Group (the Group) is petitioning to exclude (delist) from the hazardous waste regulations ash generated by activities conducted by Marine Shale Processors, Inc. (MSP, Inc.) at the Marine Shale Processors (MSP) Site in Amelia, Louisiana. This is a one-time delisting which applies to ash (referred to by MSP, Inc. as either primary aggregate or vitrified aggregate) what was used as fill by MSP, Inc. at the MSP Site to build up the elevation of the property. The delisting has been requested to facilitate management of approximately 11,400 cubic yards of ash through removal to off-site disposal of the ash and any associated contaminated media.

The delisting program is regulated by LAC 33:V.105.M, which includes a formal rulemaking process. Applicants who wish to exclude a particular waste from the list of hazardous wastes must submit a petition and satisfy all other requirements of LAC 33:V.105.M. The exclusion, if granted, applies only to the ash used as fill located at the MSP Site in Amelia, Louisiana. LDEQ has reviewed the Group’s petition

and found it satisfies the delisting requirements of LAC 33:V.105.M. LDEQ used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

The ash was generated as residue of MSP, Inc.’s combustion of various wastes, including hazardous and nonhazardous wastes and contaminated media, in a rotary kiln incinerator at the MSP Site in Amelia, Louisiana. The Group analyzed the ash for all underlying hazardous constituents. The department’s proposed action to grant the petition is based on the evaluation of the information provided by the petitioner, including the analytical data, and the department’s analysis of the information, including results of the DRAS assessment. The basis and rationale for this proposed rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department’s analysis of the information that includes results of the Delisting Risk Assessment Software (DRAS) assessment. From this information, the department has determined that the ash does not warrant listing as a hazardous waste, as the ash does not exhibit any hazardous waste characteristics. The Group has complied with the delisting requirements as outlined in LAC 33:V.105. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—  
Hazardous Waste**

**§4999. Appendices—Appendix A, B, C, D, and E**

Appendix A. - Appendix D. ...  
\* \* \*

Appendix E. Wastes Excluded under LAC 33:V.105.M  
A. - B.3.b. ...

<b>Table 1—Wastes Excluded</b>
<b>BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA</b>
* * *

<b>Table 1—Wastes Excluded</b>
<b>Denka Performance Elastomer LLC, LaPlace, LA</b>
* * *

<b>Table 1—Wastes Excluded</b>
<b>Lyondell Chemical Company, Lake Charles, LA</b>
* * *

<b>Table 1—Wastes Excluded</b>
<b>Marathon Oil Co., Garyville, LA</b>
* * *

<b>Table 1—Wastes Excluded</b>
<b>Motiva Enterprises LLC, Norco, LA</b>
* * *

<b>Table 1—Wastes Excluded</b>
<b>Syngenta Crop Protection, Inc., St. Gabriel, LA</b>
* * *

<b>Table 2—One-Time Wastes Excluded</b>
<b>Murphy Exploration and Production Company, Amelia, LA</b>
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<b>Table 2—One-Time Wastes Excluded</b>
<b>Conrad Industries, Inc. (Conrad), Morgan City, LA</b>
***

<b>Table 2—One-Time Wastes Excluded</b>
<b>Marine Shale Processors, Inc., Amelia, LA</b>
Hazardous waste incinerator ash generated by Marine Shale Processors, Inc. (MSP, Inc.) as a result of its combustion of various wastes, including hazardous and nonhazardous wastes and contaminated media, in a rotary kiln incinerator at the Marine Shale Processors (MSP) Site in Amelia, Louisiana. MSP, Inc. used the ash (referred to by MSP, Inc. as either primary aggregate or vitrified aggregate) as fill at the MSP Site to build up the elevation of the property. For the purpose of this exclusion, MSP, Inc. generated ash used as fill material at the MSP Site in Amelia, Louisiana includes all hazardous waste codes listed in LAC 33:V.4901. This is a one-time exclusion for approximately 11,400 cubic yards of MSP, Inc. generated ash used as fill at the MSP site in Amelia, Louisiana for the purpose of excavation, transportation, and disposal in a Subtitle D landfill.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW129. Such comments must be received no later than December 5, 2022, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments

@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW129. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held via Zoom on November 28, 2022, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/9373792954> or by telephone by dialing 636-651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: One Time Wastes Excluded—Marine Shale Processors (MSP) Site PRP Group**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with LAC 33:V.105.M, Marine Shale Processors Site PRP Group is petitioning for a regulatory amendment to exclude (delist) from the hazardous waste regulations ash generated by activities conducted by Marine Shale Processors, Inc. (MSP, Inc.) at the Marine Shale Processors (MSP) Site in Amelia, Louisiana. The delisting was requested to facilitate the removal of approximately 11,400 cubic yards of ash and contaminated media to be disposed of at an off-site, properly permitted disposal facility. This rulemaking is a one-time delisting which applies to ash that was used as fill at the MSP Site to build up the property elevation. This delisting applies only to this particular ash. The purpose of this Delisting Petition is to facilitate the remediation of the area.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Under current rules and regulations, the state would collect on a one-time basis approximately \$677,160 in hazardous waste tax revenue from the imposition of the \$40 per dry weight ton tax on an estimated 16,929 tons of waste at the MSP Site in Amelia, Louisiana. The proposed rule would delist this waste, which would lead to a one-time decrease in revenue of \$677,160. Monies generated by the hazardous waste tax are paid into the Hazardous Waste Site Cleanup Fund until the fund balance reaches \$6 million and at such time the treasurer pays the remaining sums into the Environmental Trust Dedicated Fund Account.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Assuming the delisting petition is granted, MSP, Inc. will remove the material and send it to a permitted solid waste landfill for disposal at an estimated total cost of \$3,478,000. This option would produce an economic benefit to Louisiana companies hired to implement the remediation. The remediation of the 11,400 cubic yards will benefit MSP, Inc. by allowing full utilization of its industrial property

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on competition are negligible. The delisting facilitates the remediation of materials that have been determined not to exhibit any hazardous waste characteristics. The remediation activities at the 11,400 cubic yards will involve short-term environmental, laboratory, and construction related employment.

Courtney J. Burdette  
Executive Counsel  
2210#032

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

**Radiation Protection**

(LAC 33:XV.Chapter 5, Chapter 7, Chapter 15, Chapter 16, Chapter 17, and Chapter 20) (RP070ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.503, 542, 544, 545, 551, 577, 732, 762, 763, 1508, 1519, 1599, 1609, 1613, 1623, 1739, and 2022 (Log #RP070ft).

This Notice of Intent is identical to federal regulations found in 10 CFR Part 20, 30, 34, 35, 36, 37, 39, 40, 70, and 71, which are applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963.A(2) and (3).

This Rule will update the regulations pertaining to individual monitoring devices and Nuclear Regulatory Commission (NRC) organizational changes, and will make miscellaneous corrections. This Notice of Intent was promulgated by the NRC as RATS IDs 2018-1, 2018-3, 2019-1 & 2, and 2020-1 & 3. This Rule will update the state regulations to be compatible with changes in the federal regulations. The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate agreement state program. This Notice of Intent meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 5. Radiation Safety Requirements for  
Industrial Radiographic Operations**

**§503. Definitions**

A. As used in this Chapter, the following definitions apply.

\*\*\*

*Independent Certifying Organization*—an independent organization that meets all of the criteria of LAC 33:XV.599.Appendix A, B and C.

\*\*\*

*Radiographer*—any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the department's regulations and the conditions of the license, and has successfully completed the training, testing, and documentation requirements contained in LAC 33:XV.575.A.

\*\*\*

*Shielded-Room Radiography*—Repealed.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2581 (November 2000), LR 26:2772 (December 2000), LR 27:1231 (August 2001), LR 29:34 (January 2003), LR 30:1189 (June 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1752 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**Subchapter A. Equipment Control**

**§542. Storage and Transportation Precautions**

A. ...

B. The licensee may not use a source changer or a container to store licensed material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing the standard trefoil radiation caution symbol conventional colors, (i.e., magenta, purple, or black on a yellow background) having a minimum diameter of 25 mm, and the wording

CAUTION\*  
RADIOACTIVE MATERIAL  
NOTIFY CIVIL AUTHORITIES  
(or "NAME OF COMPANY")  
\* \_\_\_\_\_ or "DANGER".

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and

Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1232 (August 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1752 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources**

A. ...

B. Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested. The leak testing of the source shall be performed using a method approved by the U.S. Nuclear Regulatory Commission or by an agreement state.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003), LR 30:1667 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**§545. Quarterly Inventory**

A. Each licensee and registrant shall conduct a quarterly physical inventory to account for all sealed sources and licensed or registered devices received or possessed under his or her license or registration, including devices containing depleted uranium. The records of the inventories shall be maintained for inspection by the department for at least three consecutive years from the date of the inventory and shall include the radionuclide, number of becquerels (curies) or mass (for DU) in each device, the location of sealed sources and/or devices, the date of the inventory, the name of individual(s) performing the inventory, the manufacturer, the model number, and the serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1816 (September 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**§551. Notifications**

A. - A.3. ...

B. The licensee or registrant shall include the following information in each report required by Subsection A of this Section and in each report of overexposure submitted under LAC 33:XV.487 that involves failure of safety components of radiography equipment:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1754 (December 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**Subchapter B. Personal Radiation Safety Requirements for Radiographers**

**§577. Personnel Monitoring Control**

A. No licensee or registrant shall permit an individual to act as a radiographer, instructor, or radiographer trainee unless, at all times during radiographic operations, each such individual wears, on the trunk of the body, a direct-reading pocket dosimeter, an operating alarm ratemeter, and a personnel dosimeter, except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarm ratemeter is not required.

B. Pocket dosimeters shall have a range of zero to at least 2 millisieverts (200 millirems) and shall be recharged at least daily or at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Each personnel dosimeter shall be assigned to and worn only by one individual. Pocket dosimeters, or electronic personal dosimeters, shall be checked for correct response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within  $\pm 20$  percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for three years by the licensee or registrant for department inspection.

C. Film badges shall be replaced at periods not to exceed one month and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

D. Direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, shall be read and exposures recorded at least daily with use at the beginning and end of each shift, and records shall be maintained for three years or until the Office of Environmental Compliance authorizes their disposition.

E. If an individual's pocket dosimeter is discharged beyond its range (i.e., goes "off-scale"), or an individual's electronic pocket dosimeter reads greater than 2 millisieverts (200 millirems) and the possibility of radiation exposure cannot be ruled out as the cause, industrial radiographic operations by that individual shall cease and the individual's personnel dosimeter that requires processing shall be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter shall be started within 24 hours. The individual shall not return to work with sources of radiation until a determination of the radiation dose has been made. This determination shall be made by the RSO or the RSO's designee. The results of this determination shall be recorded and maintained indefinitely or until the Office of Environmental Compliance authorizes their disposition.

F. ...

G. If a personnel dosimeter is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the

calculated exposure and the time period for which the personnel dosimeter was lost or damaged shall be recorded and maintained indefinitely or until the Office of Environmental Compliance authorizes their disposition.

H. Each alarm ratemeter shall:

1. - 3. ...

4. be calibrated at periods not to exceed one year for correct response to radiation: acceptable ratemeters shall alarm within  $\pm 20$  percent of the true radiation dose rate. Records of calibrations shall be maintained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2583 (November 2000), LR 27:1235 (August 2001), LR 28:1951 (September 2002), LR 29:35 (January 2003), LR 29:1470 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2531 (October 2005), LR 33:2184 (October 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

## **Chapter 7. Use of Radionuclides in the Healing Arts**

### **§732. Permissible Molybdenum-99, Strontium-82, and Strontium-85 Concentrations**

A. - A.3. ...

B. A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall measure the molybdenum-99 concentration or the rubidium-82 concentration in each eluate or extract from a generator to demonstrate compliance with Subsection A of this Section.

C. - E.1.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2589 (November 2000), amended by the Office of the Secretary, Legal Division, LR 40:291 (February 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:1857 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

### **§762. Full Inspection Servicing for Teletherapy and Gamma Stereotactic Radiosurgery Units**

A. A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during each source replacement and at intervals not to exceed five years to ensure proper functioning of the source exposure mechanism and other safety components.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

## **§763. Training**

A. - A.3.a. ...

b. is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on a NRC or an agreement state license, a permit issued by a NRC master material licensee, a permit issued by a NRC or an agreement state licensee of broad scope, or a permit issued by a NRC master material license broad scope permittee, has experience with the radiation safety aspects of similar types of use of byproduct material for which the licensee seeks the approval of the individual as the radiation safety officer or associate radiation safety officer, and meets the requirements in Paragraph 4 of this Section; or

A.3.c. - B.6.b. ...

c. for uses authorized under LAC 33:XV.741 or 747, a physician who was certified on or before October 24, 2005, in radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; radiation oncology by the American Osteopathic Board of Radiology; radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; and

B.6.d. - E.4.b. ...

c. who is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state in accordance with Subsections F or I of this Section, and who meets the requirements in Subparagraph E.4.d of this Section;

E.4.d. - G.2.b.iv. ...

c. has obtained written attestation, signed by a preceptor authorized user who meets the requirements in Subsections B, F, G of this Section, or equivalent agreement state requirements, or NRC requirements that the individual has satisfactorily completed the requirements in Subparagraphs G.2.a and b of this Section and is able to independently fulfill the radiation safety-related duties as an authorized user of strontium-90 for ophthalmic use.

H. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1342 (July 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2138 (December 2018), LR 45:1179 (September 2019), LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

## **Chapter 15. Transportation of Radioactive Material**

### **§1508. General License: NRC Approved Packages**

A. - C.2. ...

3. submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR

71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1267 (June 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2107 (October 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1183 (September 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

#### **§1519. Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste**

A. As specified in Subsections B, C, and D of this Section, each licensee shall provide advance notification to the governor, or to the governor's designee, of the shipment of licensed material, within or across the boundary of Louisiana, before the transport, or delivery to a carrier for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

A.1. - C.3. ...

a. Reserved.

b. Contact information for each state, including telephone and mailing addresses of governors and governors' designees, and participating tribes, including telephone and mailing addresses of tribal officials and tribal official's designees, is available on the NRC website at: <https://scp.nrc.gov/special/designee.pdf>.

c. A list of the names and mailing addresses of the governors' designees and tribal officials' designees of participating tribes is available on request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

C.4. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104.B and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000), LR 26:2602 (November 2000), amended by the Office of Environmental Assessment, LR 30:2029 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2190 (October 2007), LR 34:2111 (October 2008), amended by the Office of the Secretary, Legal Division, LR 40:1928 (October 2014), LR 41:2325 (November 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2139 (December 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

#### **§1599. Appendix—Incorporation by Reference of 10 CFR Part 71, Appendix A, Tables A-1, A-2, A-3, and A-4; Procedures for Determining A<sub>1</sub> and A<sub>2</sub>**

A. Tables A-1, A-2, A-3, and A-4 in 10 CFR Part 71, Appendix A, October 16, 2020, are hereby incorporated by reference. These tables are used to determine the values of A<sub>1</sub> and A<sub>2</sub>, as described in Subsections B-F of this Section.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104.B and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 34:2114 (October 2008), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1929 (October 2014), amended by the Office of the Secretary Legal Affairs and Criminal Investigations Division, LR 45:1186 (September 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

### **Chapter 16. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material**

#### **Subchapter B. Background Investigations and Access Control Program**

##### **§1609. Access Authorization Program Requirements**

A. - B.1. ...

2. Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath, or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. Provide oath or affirmation certifications to the Office of Environmental Compliance. The fingerprints of the named reviewing official shall be taken by a law enforcement agency, federal or state agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with LAC 33:XV.1611.C.

B.3. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2327 (November 2015), amended by the Office of the Secretary Legal Affairs Division, LR 49:

##### **§1613. Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material**

A. - B.2. ...

C. Procedures for Processing of Fingerprint Checks

1. For the purpose of complying with this Subchapter, licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-07D04M, Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by [MAILSVS.Resource@nrc.gov](mailto:MAILSVS.Resource@nrc.gov).

Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.

2. Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to U.S. NRC. (For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by emailing [Crimhist.Resource@nrc.gov](mailto:Crimhist.Resource@nrc.gov).) Combined payment for multiple applications is acceptable. The commission publishes the amount of the fingerprint check application fee on the NRC's public web site. (To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at <https://www.nrc.gov/security/chp.html> and see the link for How do I determine how much to pay for the request?).

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2329 (November 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2139 (December 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

### **Subchapter C. Physical Protection Requirements During Use**

#### **§1623. General Security Program Requirements**

A. - D.1....

2. Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.

3. Before granting an individual access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, licensees shall:

a. evaluate an individual's need to know the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access; and

D.3.b. - 4.b. ...

5. The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

6. Licensees shall maintain a list of persons currently approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. When a licensee determines that a person no longer needs access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

7. When not in use, the licensee shall store its security plan, implementing procedures, and the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access. Information stored in nonremovable electronic form shall be password protected.

8. - 8.a....

b. the list of individuals approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2331 (November 2015), amended by the Office of the Secretary Legal Affairs Division, LR 49:

### **Chapter 17. Licensing and Radiation Safety Requirements for Irradiators**

#### **§1739. Personnel Monitoring**

A. Irradiator operators shall wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor shall be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly, and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly, or promptly after replacement, whichever is more frequent.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2118 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1470 (August 2003), amended by the Office of the Secretary Legal Affairs Division, LR 49:

### **Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies**

#### **Subchapter A. Requirements for Personnel Safety**

#### **§2022. Personnel Monitoring**

A. No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each such individual wears a personnel dosimeter at all times during the handling of licensed radioactive materials. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly, and all other personnel dosimeters that require replacement shall be replaced at least quarterly. All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2605

(November 2000), LR 29:1472 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2539 (October 2005), LR 33:2191 (October 2007), amended by the Office of the Secretary Legal Affairs Division, LR 49:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Hearing**

A public hearing will be held via Zoom on November 28, 2022, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/9373792954> or by telephone by dialing 636-651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP070ft. Such comments must be received no later than November 28, 2022, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP070ft. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

2210#024

## **NOTICE OF INTENT**

### **Department of Health Board of Dentistry**

Dentists; Continuing Education Requirements  
(LAC 46:XXXIII.103, 306, 706, and 710)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.103, 306, 706, and 710.

The State Board of Dentistry is amending LAC 46:XXXIII.103 to allow the waiving of this requirement if the applicant for a dental license meets with the board and is determined to be qualified by other means to practice dentistry in this state.

The Board of Dentistry is amending LAC 46:XXXIII.306 to conform to the recently amended statute R.S. 37:761(C) by the Louisiana Legislature and will benefit applicants for dental and licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient

The Board of Dentistry is amending LAC 46:XXXIII.706 to conform to the recently amended statute R.S. 37:761(C) by the Louisiana Legislature and will benefit applicants for dental hygiene licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient.

The Board of Dentistry is amending LAC 46:XXXIII.710 because not all states allow hygienists to perform local anesthesia; if a hygienist moves to one of those states, then wants to come back to Louisiana after two years or more, it is felt that additional training in local anesthesia is not necessary.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXXIII. Dental Health Profession**

#### **Chapter 1. General Provisions**

#### **§103. Evidence of Graduation**

A.1. ...

2. An applicant for a dental license who did not attend an accredited dental school or dental college must successfully complete a post-graduate CODA-approved program in either general dentistry or one of the board approved specialties listed in §122. The board may waive this requirement if the applicant meets with the board and is determined by the board to be qualified by other means to practice dentistry in this state.

A.2.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 10:88 (February 1984), amended by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), LR 26:488 (March 2000),

LR 27:1890 (November 2001), LR 38:2770 (November 2012), repromulgated LR 39:87 (January 2013), amended LR

### **Chapter 3. Dentists**

#### **§306. Requirements of Applicants for Dental**

##### **Licensure by Credentials**

A. - A.4.d. ...

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included—a hand skills assessment;

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 48:299 (February 2022), LR 49:

### **Chapter 7. Dental Hygienists**

#### **§706. Requirements of Applicants for Licensure by Credentials (Hygienists)**

A. - A.4.b. ....

5. successfully completed an initial clinical licensure examination in a United States jurisdiction that included—a hand skills assessment;

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 39:88 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 49:

#### **§710. Administration of Local Anesthesia for Dental Purposes**

A. - D. ...

E. A dental hygienist who has been licensed and trained in a course equivalent to §710.B and C to administer local anesthesia in another state may qualify, at the discretion of the board, to be permitted to administer local anesthesia in Louisiana by presenting written documentation of such licensure and training to the board and documentation of experience. Factors to be considered are whether the dental hygienist had satisfactorily completed a course at a dental hygiene school approved by the Commission on Dental Accreditation or by having successfully completed a continuing education course in local anesthesia comparable to the requirements set forth in §710.B and C.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:847 (May 2007), LR 42:58 (January 2016), LR 49:

##### **Family Impact Statement**

There will be no family impact in regard to issues set forth in R.S. 49:972.

##### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

##### **Provider Impact Statement**

The proposed rulemaking should not have any know or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

##### **Public Comment**

Interested persons may submit written comments on these proposed Rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

##### **Public Hearing**

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Dentists; Continuing Education Requirements**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 23 for the LA State Board of

Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent that the proposed changes to §103 increase the number of eligible applicants for a dental license, the LSBD may collect increased revenue in application fees. The magnitude of any such impact is indeterminable, but the board estimates there could be 3 to 5 foreign trained graduates per year affected by the rule change. The proposed rule change will not affect revenue collections for local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes to §306 and §706 are meant to conform to the recently amended statute La. R.S. 37:761 (C) by the Louisiana legislature and will benefit applicants for dental and dental hygiene licensure by credentials as they will now be allowed to successfully complete an initial licensure examination in a United States jurisdiction that includes a hand skills assessment rather than a procedure on a live patient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes to §103 will allow a foreign trained graduate who obtains a master's degree from an accredited dental school that is not in general dentistry or in one of the specialties listed in §122 to apply for a dental license. By amending the rule, the Louisiana State Board of Dentistry board will have the discretion to waive the requirement if the applicant for a dental license meets with the board and is determined by the board to be qualified by other means to practice in this state. The Board estimates that there could be 3 to 5 foreign trained graduates per year effected by this rule change.

The proposed changes to §710 will remove the requirement for a dental hygienist applying to administer local anesthesia to provide documentation of experience for the previous two years and removing the requirement for the dental hygienist to gain approval of the board through the interview process. The Louisiana State Board of Dentistry is amending this rule because not all states allow hygienists to perform local anesthesia; if a hygienist moves to one of those states, then wants to come back to Louisiana after two years or more, it is felt that additional training in local anesthesia is not necessary. The Board estimates that there could 2 to 3 dental hygienists per year effected by this rule change.

Arthur Hickham, Jr.  
Executive Director  
2210#028

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Adult Residential Care Providers  
Licensing Standards  
(LAC 48:Chapter 68)**

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions of LAC 48:I.Chapter 68 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 112 of the 2022 Regular Session of the Louisiana Legislature revised the definitions and requirements for medication administration for adult residential care facilities. Act 531 of the 2022 Regular Session of the Louisiana Legislature removed facility need review (FNR) from the licensure requirements for adult residential care providers (ARCPs). In compliance with Acts 112 and 531, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of ARCPs in order to update the definitions and requirements for medication administration, and to remove the FNR requirement.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 68. Adult Residential Care Providers**

**Subchapter A. General Provisions**

**§6803. Definitions and Abbreviations**

*Abuse—*

1. the willful infliction of physical or mental injury;
2. causing deterioration by means including, but not limited to:
  - a. sexual abuse
  - b. exploitation; or
  - c. extortion of funds or other things of value to such an extent that the resident's health, moral or emotional well-being is endangered; or
3. the willful infliction of injury, unreasonable confinement, intimidation or punishment that results in or that could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act that produced or that could have reasonably been expected to produce physical or mental injury or harm shall not be a defense to the charge of abuse.

*Activities of Daily Living—*ambulating, transferring, grooming, bathing, dressing, eating, toileting, and for the purposes of this Chapter, taking medication.

\* \* \*

*Facility Need Review (FNR)—*Repealed.

\* \* \*

*Level 3 ARCP—*an ARCP that provides adult residential care for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety. Kitchenettes are not required in apartments designated for the specialized dementia care program.

NOTE: Repealed.

*Level 4 ARCP—*an ARCP that provides adult residential care including intermittent nursing services for compensation to 17 or more residents who are unrelated to the licensee or operator in independent apartments equipped with kitchenettes, whether functional or rendered nonfunctional for reasons of safety. Kitchenettes are not required in apartments designated for the specialized dementia care program.

NOTE: Repealed.

*Licensed Nurse—*a licensed registered nurse (RN) or a licensed practical nurse (LPN) who is acting within the

scope of practice of his/her respective licensing board(s) and/or certifications.

*Licensed Practical Nurse (LPN)*—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 37:961, or current law.

*Medication Attendant Certified (MAC)*—a person certified by LDH to administer medications to licensed long-term care facility residents. A MAC shall be directly employed by or contracted with an approved ARCP for staff administration of medications.

*Medication Error*—the observed or identified preparation or administration of medications or biologicals that is not in accordance with:

1. the prescriber's order(s);
2. manufacturer's specifications regarding the preparation and administration of the medication or biological; or
3. accepted professional standards and principles that apply to professionals providing services. Accepted professional standards and principles include any state practice regulations and current commonly accepted health standards established by national organizations, boards, and councils.

*Medication Error Rate*—determined by calculating the percentage of medication errors observed during a medication administration observation. The numerator in the ratio is the total number of errors that the HSS survey team observes, both significant and non-significant. The denominator consists of the total number of observations, or opportunities for errors, and includes all the doses the HSS survey team observed being administered plus the doses ordered but not administered. The equation for calculating a medication error rate is as follows: medication error rate equals number of errors observed divided by the opportunities for errors times 100.

\* \* \*

*Registered Nurse (RN)*—an individual licensed and/or certified in accordance with R.S. 37:911 et seq., or current law to engage in the practice of nursing as defined in R.S. 37:913, or current law.

\* \* \*

*Self-Medication*—residents can maintain possession and control of their medications.

*Significant Medication Error*—one which causes the resident discomfort or jeopardizes health or safety. The significance of medication errors is a matter of professional judgement. A significant medication error shall be determined based on the resident's condition, drug category, and frequency of error.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2166.1-2166.8 and R.S. 40:1101.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1976 (October 2017), LR 47:1497 (October 2021), LR 49:

### §6807. Initial Licensure Application Process

A. An initial application for licensing as an ARCP shall be obtained from the department. A completed initial license application packet for an ARCP shall be submitted to and approved by the department prior to an applicant providing

ARCP services. An applicant shall submit a completed initial licensing packet to the department, which shall include:

1. - 8.a....

NOTE: Repealed.

9. proof that the LDH/HSS is specifically identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

10. if applicable, a clinical laboratory improvements (CLIA) certificate or a CLIA certificate of waiver;

11. a completed disclosure of ownership and control information form;

12. a floor sketch or drawing of the premises to be licensed;

13. the days and hours of operation;

A.14. - B. ...

C. Once the initial licensing application packet has been approved by the department, the ARCP applicant shall notify the department of readiness for an initial licensing survey within 90 days. If an applicant fails to notify the department of readiness for an initial licensing survey within 90 days of approval, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming an ARCP must submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1088 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1497 (October 2021), LR 49:

### §6809. Initial Licensing Surveys

A. - D. ...

1. The provider shall submit an acceptable plan of correction to LDH for approval, and the provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The required components of a plan of correction shall:

a. ...

b. describe how other residents who have the potential to be affected by the deficient practice will be identified, and what will be done for them;

D.1.c. - 2. ...

3. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or if new deficiencies are cited on the follow-up survey, the provisional license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet fee.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1089 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1498 (October 2021), LR 49:

### §6813. Changes in Licensee Information or Personnel

A. - B.2.g. ...

C. A CHOW of the ARCP shall be reported in writing to the department within five business days of the relevant

transaction. The license of an ARCP is not transferable or assignable; the license of an ARCP cannot be sold. The new owner shall submit the legal CHOW documents, all documents required for a new license, and the applicable licensing fee. Once all application requirements have been completed and approved by the department, a new license shall be issued to the new owner.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1090 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1498 (October 2021), LR 49:

#### **Subchapter D. Adult Residential Care Provider Services §6843. Medication Administration**

A. - B. ...

C. Levels of Administration

1. Self-Administration. Unless otherwise indicated in the PCSP, residents shall have the option to self-administer their own medications. Residents who are appropriate for this service will be aware of what the medication is, what it is for and the need for the medication. The ARCP shall require the resident to undertake reasonable precautions to ensure the safety of other residents.

2. - 2.c.vii. ...

3. Staff Administration of Medication

a. ...

b. Drugs and biologicals shall be administered only by medical personnel or licensed nurses authorized to administer drugs and biologicals under their practice act or as allowed by statutorily designated MACs.

c. - e.viii.(f). ...

f. Medication Errors

i. The ARCP shall ensure medication error rates are not five percent or greater and residents are free from any significant medication errors.

C.4. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1098 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1502 (October 2021), LR 49:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses since it removes facility need review as a requirement for licensure.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2022.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: Adult Residential Care Providers Licensing Standards**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$1,296 will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the fees from currently licensed providers will continue to be collected in the same amounts.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

In compliance with Acts 112 and 531 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the licensing of adult residential care providers (ARCPs) in order to revise the definitions and requirements for medication administration in adult residential care facilities, and to remove facility need review (FNR) as a requirement for licensure. This proposed rule will be beneficial to recipients of ARCP services and providers by ensuring that legislative mandates regarding medication administration are incorporated into the administrative rule. Providers will also benefit from the removal of the requirement that an FNR must be conducted in order for certain ARCPs to be licensed. It is anticipated that implementation of this proposed rule will not result in costs to ARCPs for FY 22-23, FY 23-24, and FY 24-25, but will be beneficial for these providers by ensuring that the Louisiana Administrative Code aligns with current requirements for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2210#061

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Inpatient Hospital Services  
Teaching Classification Qualifications  
(LAC 50:V.1301 and 1303)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:V.1301 and §1303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 152 of the 2022 Regular Session of the Louisiana Legislature revised the criteria under which facilities are recognized as major teaching hospitals in the Medical Assistance Program for purposes of the hospital prospective reimbursement methodology and temporary licensure of international medical graduates to include documented affiliation with the Commission of Osteopathic College Accreditation (COCA).

In compliance with the requirements of Act 152, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing inpatient

hospital services in order to expand the qualifications for classification as a teaching hospital to include facilities that have documented affiliation agreements with Louisiana medical schools accredited by COCA.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospitals Services**

**Chapter 13. Teaching Hospitals**

**Subchapter A. General Provisions**

**§1301. Major Teaching Hospitals**

A. The Louisiana Medical Assistance Program's recognition of a major teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME) or by the Commission on Osteopathic College Accreditation (COCA). A major teaching hospital shall meet one of the following criteria:

1. ...

2. maintain at least 20 intern and resident un-weighted full-time equivalent positions, with an approved medical residency program in family practice located more than 150 miles from the medical school accredited by the LCME or the COCA. For purposes of this Rule, full-time equivalent positions will be calculated as defined in 42 CFR 413.78.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:324 (February 2013), amended LR 40:1697 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

**§1303. Minor Teaching Hospitals**

A. The Louisiana Medical Assistance Program's recognition of a minor teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the LCME or by the COCA. A minor teaching hospital shall meet the following criteria:

A.1. - B.3.a. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:324 (February 2013), amended LR 40:1698 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

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

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2022.

### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Inpatient Hospital Services Teaching Classification Qualifications

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule may result in an indeterminable increase in SGF expenditures for FY 22-23, FY 23-24, and FY 24-25. It is anticipated that \$648 (\$324 SFG and \$324 FED) will be expended in FY 22-23 for the state's administrative expenses for promulgation of this proposed rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule may result in an indeterminable increase in federal revenue collections for FY 22-23, FY 23-24, and FY 24-25. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

In compliance with Act 152 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing inpatient hospital services in order to expand the qualifications for classification as a teaching hospital in the Medical Assistance Program to include facilities that have documented affiliation agreements with Louisiana medical schools accredited by the Commission of Osteopathic College Accreditation (COCA). There is no way to know how many, if any, additional facilities would qualify for major or minor teaching hospital status as a result of this proposed rule. To the extent that a facility would qualify, it could result in an additional, but indeterminable increase in expenditures for inpatient hospital services for FY 22-23, FY 23-24, and FY 24-25.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2210#062

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Bureau of Health Services Financing

Nurse Aide Training and Competency Evaluation Program  
Medication Attendant Certified—Licensing Standards  
(LAC 48:I.Chapter 100)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and R.S. 40:2131-2141. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 112 of the 2022 Regular Session of the Louisiana Legislature revised the requirements for medication administration and medication attendant services provided in long-term care facilities. In compliance with Act 112, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Nursing Aide Training and Competency Evaluation Program in order to update the licensing requirements for medication attendants certified that provide services in licensed long-term care facilities.

#### Title 48

### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

### Chapter 100. Nurse Aide Training and Competency Evaluation Program

#### Subchapter G. Medication Attendant Certified

#### §10080. Definitions

*Abuse*—1. – 4. Repealed.

*Adult Residential Care Provider*—a facility, agency, institution, society, corporation, partnership, company, entity, residence, person or persons, or any other group which provides adult residential care for compensation to two or more adults who are unrelated to the licensee or operator.

\* \* \*

*Licensed Nurse*—a licensed registered nurse (RN) or a licensed practical nurse (LPN) who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

*Licensed Practical Nurse (LPN)*—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 38:961, or current law.

*Licensed Long-Term Care Facility (LLCF)*—nursing home as defined in R.S. 40:2009.2 and an adult residential care provider as defined in R.S. 40:2166.3.

*Medication Attendant Certified (MAC)*—a person certified by LDH to administer medications to licensed long-term care facility residents, hereafter referred to as a MAC.

*Medication Error*—the observed or identified preparation or administration of medications or biologicals that is not in accordance with:

1. the prescriber's order(s);
2. manufacturer's specifications regarding the preparation and administration of the medication or biological; or
3. accepted professional standards and principles that apply to professionals providing services. Accepted professional standards and principles include any state practice regulations and current commonly accepted health standards established by national organizations, boards, and councils.

*Medication Error Rate*—is determined by calculating the percentage of medication errors observed during a medication administration observation. The numerator in the ratio is the total number of errors that the HSS survey team observes, both significant and non-significant. The denominator consists of the total number of observations, or opportunities for errors, and includes all the doses the HSS survey team observed being administered plus the doses ordered but not administered. The equation for calculating a medication error rate is as follows: medication error rate

equals number of errors observed divided by the opportunities for errors times 100.

*Nurse Aide*—Repealed.

*Nursing Facility or Nursing Home*—an institution licensed pursuant to R.S. 40:2009.1-2009.10.

*Nursing Home*—Repealed.

*Registered Nurse (RN)*—any individual licensed and/or certified in accordance with R.S. 37:911 et seq. or current law to engage in the practice of nursing as defined in R.S. 37:913, or current law.

\* \* \*

*Significant Medication Error*—one which causes the resident discomfort or jeopardizes health or safety. The significance of medication errors is a matter of professional judgement. A significant medication error shall be determined based on the resident's condition, drug category, and frequency of error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 46:29 (January 2020), LR 49:

#### §10081. General Provisions

A. The LDH establishes provisions for the use of MACs in LLCFs. The department shall maintain a registry of individuals who have, at a minimum:

1. passed a qualifying CNA examination and are in good standing;
2. completed the state-approved MAC training course and competency evaluation through the Louisiana Community and Technical College System (LCTCS); and
3. ...

B. The MAC registry shall contain the following items:

1. a list of individuals who have successfully completed the approved MAC training curriculum and competency evaluation. Each individual listed shall have the following information maintained on the registry:

- a. - i.iii. ...
- iv. exploitation and misappropriation of property;
- v. significant medication errors; and
- vi. an accurate summary of findings after action on findings are final and after any appeal is ruled upon or the deadline for filing an appeal has expired;

B.1.j. - C. ...

D. Change of Information. A MAC certificate holder shall notify the department as soon as possible but no later than 30 days after changing his or her address, telephone number, e-mail address, or name.

E. ...

F. Letter of Certification. An initial letter of certification shall be valid for 12 months from the date of issuance.

1. - 3. Repealed.

G. A MAC may perform certain duties and functions delegated by a licensed RN and under direct supervision of a licensed nurse who is on-site and on duty at the LLCF. Although the performance of selected medication administration tasks are delegated to the MAC by the RN, the RN retains the accountability for the total nursing care of the resident, regardless of whether the care is provided solely by the RN or by the RN in conjunction with other licensed or unlicensed assistive personnel. The MAC shall:

1. function in accordance with applicable laws and rules relating to administration of medication and operation of a LLCF; and

2. comply with the department's rules applicable to such personnel used in a LLCF.

H. Persons employed as MACs in a LLCF shall comply with the requirements relating to CNAs as set forth in the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203 and minimum licensure standards for nursing facilities, and CNA training and competency evaluation, or subsequent amendments.

I. Restriction. While on duty, a MAC's sole function shall be to administer medications to residents. Persons employed as medication attendants in a LLCF may not be assigned additional responsibilities. If medication administration has been completed, they may assist in other areas.

J. LLCFs may count the MAC in required nursing hours.

J.1. - M. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1248 (May 2012), repromulgated LR 38:1412 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020), LR 49:

#### **§10082. General Requirements**

A. Prior to application for a certificate under this Chapter, all persons shall:

1. - 5. ...

6. be currently employed in a LLCF as a CNA on the first official day of an applicant's MAC training program;

7. have a minimum of one year experience in a LLCF; and

8. successfully pass a statewide criminal background/security check conducted by the State Police, or its designee, within 90 days of an applicant starting the MAC program and be free of abused substances as evidenced by periodic drug testing in accordance with the LLCF's policies and procedures. Verification of these results must be received by the training entity, documented, and maintained in the personnel file.

B. A MAC may not administer medication to a resident in a LLCF unless he/she:

1. ...

2. is currently enrolled in the state approved training course and is acting under the direct supervision of faculty.

C. The LCTCS training and competency evaluation program shall:

1. maintain qualified, approved RNs and LPNs for classroom and clinical instruction;

2. protect the integrity of the competency evaluations by keeping them secure;

3. utilize a pass rate of at least 80 percent for each individual student; and

4. assure the curriculum meets state requirements.

D. Clinical instruction shall be conducted in an approved LLCF with a ratio of no more than 5:1 under the direct supervision of the instructor.

1. - 4. Repealed.

E. Training programs that do not meet minimum standards and cannot provide an acceptable plan for correcting deficiencies shall be eliminated from participation.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1414 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:30 (January 2020), LR 49:

#### **§10083. Certification Requirements**

A. Initial Certification

1. be a CNA in good standing;

a. - b. Repealed.

2. be employed in a MAC approved LLCF;

3. meet requirements set forth in §10082; and

4. complete the required MAC training program.

B. Renewal Certification

1. A MAC certificate holder shall:

a. be a CNA in good standing;

b. have no findings on the MAC registry;

c. submit the following documentation to the registry prior to the expiration date of the certificate:

i. a signed attestation acknowledging review of the current MAC requirements;

ii. documentation of having completed four hours of state-approved continuing education administered by an approved institution focusing on medication administration, prior to expiration of the certificate; and

iii. documentation of having worked at least 400 hours within the previous 12 months as a MAC in an LLCF.

1.d. - 3. Repealed.

C. Denial of Renewal. The department shall deny renewal of the certificate of a MAC who is in violation of this Chapter at the time of the application renewal.

1. - 3. Repealed.

D. Reciprocity. A person who holds a valid license, registration or certificate as a MAC issued by another state shall also be certified in Louisiana if the transferring state's training program is at least 120 hours or more and the applicant passed that state's-approved MAC competency examination.

1. The applicant shall initially submit an application for reciprocity to the CNA registry as set forth in the CNA training competency evaluation program, §10035 of this Chapter.

2. Once placed on the CNA registry in the state of Louisiana, the applicant may submit an application for reciprocity to the MAC Registry.

3. The application shall include a certified copy of the license or certificate for which the reciprocal certificate is requested.

4. The department shall contact the issuing agency to verify the applicant's status with the agency.

5. The applicant shall submit documentation of 400 hours employed as a MAC within the previous 12 months.

E. Expired Certification. A MAC whose certificate has expired shall not perform medication administration until the certificate has been reissued. The following criteria shall be

met and documentation submitted to the registry for consideration of certificate re-issuance:

1. Documentation of 400 employment hours worked within the last 12 months in a LLCF as a MAC; and

2. A signed attestation acknowledging review of the current MAC requirements within 30 calendar days of expiration of the certification; or

3. Documentation supporting completion of a minimum of 40 hours of re-orientation of medication administration and the job duties of the MAC within 12 months of expiration of certification to be provided by a MAC approved LLCF. At a minimum the re-orientation shall:

a. include authorized duties and prohibited duties described in this Subchapter, and the facility's medication administration policies;

b. be provided by a licensed RN who is employed by the LLCF in which the MAC is currently employed; and

c. include documentation of a competency evaluation through skills demonstration and written examination.

4. Failure to meet the certificate renewal or re-issuance requirements within 12 months from the expiration of the certification, will be considered a voluntary surrender of the MAC certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020), LR 49:

#### **§10084. Coordinators, Instructors, and Trainers**

A. Program Coordinator. The state-approved MAC training program shall have a program coordinator who provides general supervision of the training received by the MAC trainees.

1. The program coordinator shall be an RN and shall have the following experience and qualifications:

a. a minimum of two years of nursing experience, of which at least one year must be in caring for the elderly or chronically ill, obtained through employment in any of the following:

- i. a LLCF unit;
- ii. a geriatrics department;
- iii. a chronic care hospital;
- iv. other long-term care setting; or
- v. experience in varied responsibilities including,

but not limited to, direct resident care or supervision and staff education; and

b. completion of Vocational Trade and Industrial Education (VTIE) or Career and Technical Trade and Industrial Education (CTTIE) licensure, "train the trainer" type program, or a master's degree or higher.

2. The program coordinator shall supervise no more than two MAC training programs simultaneously and shall be on the premises where the program is being conducted for at least 50 percent of the duration of the program.

3. - 4. Repealed.

B. Instructors. Instructors shall be RNs or LPNs in a ratio such that not less than 50 percent of the instructors are

RNs and shall hold a current, unencumbered Louisiana nursing license or PTP. Licensed practical (vocational) nurses, under the direct supervision of the coordinator, may provide classroom and clinical skills instruction and supervision of trainees if they have two years of experience in caring for the elderly and/or chronically ill of any age or have equivalent experience.

1. Such experience may be obtained through employment in:

- a. a LLCF;
- b. a geriatrics department;
- c. a chronic care hospital; or
- d. another long-term care setting.

2. Experience in resident care, supervision and staff education is preferred.

3. The ratio of instructors to trainees in clinical training shall not exceed 1:5 and the ratio of instructors to trainees in the classroom shall not exceed 1:15.

4. - 5. Repealed.

C. Program Trainers. Qualified resource personnel from the health field may participate as program trainers as needed for discussion or demonstration of specialized medication procedures.

1. Qualified resource personnel shall have a minimum of one year of experience in their health care field and shall be licensed, registered and/or certified, if applicable, and may include:

- a. registered nurses;
- b. licensed practical/vocational nurses;
- c. pharmacists;
- d. dietitians;
- e. LLCF administrators;
- f. gerontologists;
- g. physical therapists and occupational therapists;
- h. activities specialists; and
- i. speech/language/hearing therapists.

2. All program trainers shall have a minimum of one year of current experience in caring for the elderly and/or chronically ill of any age or have equivalent experience.

3. The training program may utilize other persons such as residents, experienced aides, and ombudsmen as resource personnel if these persons are needed to meet the planned program objectives or a specific unit of training.

D. Trainees

1. Each MAC trainee shall be clearly identified as a trainee during all clinical portions of the training. Identification should be recognizable to residents, family members, visitors and staff.

a. - c. Repealed.

2. Trainees shall take the competency evaluation (through skills demonstration and written examination) within 30 days after completion of the training program. Trainees will be given a maximum of two opportunities within 90 days following completion of the training program to successfully complete the competency evaluation program.

3. If a trainee fails to successfully complete the competency evaluation program, he or she shall re-enroll in the approved training program.

4. - 30. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020), LR 49:

### §10085. Training Curriculum

A. The goal of the MAC training and competency evaluation program is the provision of safe, effective and timely administration of medication to residents by MACs who are able to:

1. communicate and interact completely on a one-to-one basis with residents as part of the team implementing resident care;

2. demonstrate sensitivity to the resident's emotional, social and mental health needs through skillful, directed interactions;

3. exhibit behavior to support and promote the rights of residents; and

4. demonstrate proficiency in the skills related to medication administration.

B. Each MAC training program shall provide all trainees with a LDCF orientation that is not included in the required minimum 120 hours of core curriculum. The orientation program shall include, but not be limited to:

1. an explanation of the facility's organizational structure;

2. the facility's policies and procedures;

3. discussion of the facility's philosophy of care;

4. a description of the resident population; and

5. employee policies and procedures.

C. Core Curriculum. The curriculum content for the training program must include material which provides a basic level of knowledge and demonstrable skills for each individual completing the program. The content should include the needs of populations which may be served by an individual LDCF.

1. The core curriculum shall be a minimum of 120 hours in length which shall include a minimum of 45 clinical hours.

2. Each unit objective shall be behaviorally-stated for each topic of instruction. Each objective must state performance criteria which are measurable and will serve as the basis for the competency evaluation.

D. Minimum Curriculum. The training program shall be developed and conducted to ensure that each MAC, at a minimum, is able to demonstrate competency in the following areas including, but not limited to:

1. the basic principles of medication administration and the responsibilities of the MAC including:

a. the role and functions of a MAC;

b. the professional relationship between the MAC and the residents and their families; and

c. prohibited functions or duties;

2. definition of nurse delegation;

3. definition of the basic terms used in medication administration, including identification of the abbreviations used in medication orders and on the medication administration records;

4. review of the various forms of medications;

5. methods of medication administration including:

a. proper positioning of resident for various medication administrations; and

b. the value of good body alignment prior to and after medication administration;

6. requirements for proper storage and security of medications;

7. proper methods for disposal of drugs;

8. infection control;

9. basic anatomy and physiology;

10. the functions of the gastrointestinal, musculoskeletal, integumentary, nervous, sensory, renal and urinary, reproductive, cardiovascular, respiratory, and endocrine systems;

a. description of the common disorders associated with these systems; and

b. the effect of aging on these systems;

11. definition of pharmacology including:

a. medication classifications;

b. a description of a controlled drug and how administration of these drugs differ;

c. the cycle of a drug in the body; and

d. side effects of medications;

12. the safe administration of all forms of oral medication including:

a. a description of the difference among all forms of oral medication; and

b. special precautions observed when administering time-released capsules, enteric-coated tablets and oral suspensions;

13. appropriate procedures to follow when the resident is nothing by mouth (NPO), dysphagic, refuses the medication, vomits the medication, or has allergies;

14. application of topical medications and the standard precautions utilized in administering a topical medication;

15. the safe instillation of ophthalmic drops and ointments;

16. the safe administration of nose drops;

17. proper technique for administration of inhalant medications including:

a. a description of when the MAC may administer an inhalant;

18. the safe administration of a rectal suppository;

19. the safe administration of a vaginal medication;

20. developing proficiency in measuring liquid medications in a medicine cup or syringe;

21. measuring apical pulse and/or blood pressure (B/P) prior to medication administration;

22. the importance of the "chain of command;"

23. developing effective communication and interpersonal skills;

24. maintaining communication with the licensed nurse including:

a. a description of the situations that must be reported to the nurse;

25. the purpose of the clinical record and the importance of timely, clear and complete documentation in the medication administration record;

26. methods for avoiding medication errors:

a. reporting and documentation requirements when medication errors occur;

27. a resident's rights related to medication administration;

28. a discussion of the "rights" of medication administration;

29. the application and certification; and

30. violations of the laws and rules that may result in disciplinary action and/or loss of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020), LR 49:

### **§10086. Competency Evaluation**

A. A competency evaluation shall be developed by the training entity and conducted to ensure that each trainee, at a minimum, is able to demonstrate competencies taught in each part of the training curriculum.

B. Written examinations shall be provided by the training entity or organizations approved by the department. The examination shall reflect the content and emphasis of the training curriculum and will be developed in accordance with accepted educational principles.

1. - 12. Repealed.

C. The entity responsible for the training and competency evaluation shall report to the registry the names of all individuals who have satisfactorily completed the curriculum after the training is completed. Within 15 days after a MAC has successfully completed the training and competency evaluation, the training entity shall notify the registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020), LR 49:

### **§10087. Authorized Duties**

A. The MAC may perform certain duties and functions delegated by a licensed RN and under the direct supervision of a licensed nurse who is on-site and on duty. These authorized duties shall apply to MAC trainees under the supervision of the clinical instructor. The ratio of MACs to licensed nurses shall not exceed two medication attendants to one licensed nurse at any given time.

1. - 16. Repealed.

B. MACs may:

1. observe and report to the licensed nurse a resident's adverse reaction to a medication;

2. administer medications which require vital signs only with direct authorization from the licensed nurse prior to administration;

3. take and record vital signs prior to the administration of medication that could affect or change the vital signs;

4. in an emergency only, administer oxygen at 2 liters per minute per nasal cannula and immediately after the

emergency, verbally notify the licensed nurse on duty and appropriately document the action and notification;

5. administer regularly prescribed medication only after personally preparing (setting up) the medications to be administered;

6. deliver and administer certain prescribed medications ordered by an authorized prescriber by the following methods:

- a. orally;
- b. topically (to intact skin only);
- c. drops and sprays for the eye, ear or nose;
- d. vaginally;
- e. rectally;
- f. transdermally;
- g. by metered dose oral inhalation; or
- h. sublingually;

7. record medications administered in the resident's chart and/or medication administration record;

8. chart medication effects and side effects;

9. administer medications which require vital signs, only with direct authorization from the licensed nurse prior to administration:

a. the results of the vital signs must be documented in the clinical record;

10. administer pro re nata (prn), as needed medications only with direct authorization of the licensed nurse;

11. measure prescribed liquid medication only if verified by the licensed nurse prior to administration; and

12. crush prescribed medications only if ordered by the physician and verified by the licensed nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020), LR 49:

### **§10088. Prohibited Duties**

A. Medication attendants certified shall not:

1. administer any controlled dangerous substances (schedules II through V) as set forth by the Drug Enforcement Agency or the Louisiana Board of Pharmacy;

2. administer any medications by the following parenteral routes:

- a. intramuscular;
- b. intravenous;
- c. subcutaneous;
- d. intradermal; or
- e. other routes restricted in department rules;

3. administer any medication used for intermittent positive pressure breathing (IPPB) treatments;

4. administer an initial dose of a medication that has not been previously administered to a resident as determined by the clinical record;

5. calculate medication doses for administration;

6. administer medications or feedings by way of a tube inserted in a cavity of the body;

7. receive or assume responsibility for writing any verbal or telephone order from an authorized prescriber;

8. order new medications or medications whose directions have changed from the pharmacy;

9. apply topical medications that involve the treatment of skin that is broken;
10. steal, divert or otherwise misuse medication;
11. violate any provision of this Chapter;
12. procure or attempt to procure a certificate by fraudulent means;
13. neglect to administer prescribed medications in a responsible and timely manner;
14. perform a task involving the administration of a medication which requires:
  - a. an assessment of the patient's physical status;
  - b. an assessment of the need for the medication;
  - c. a calculation of the dose of the medication; or
  - d. the conversion of the dose;
15. perform a task involving the administration of a medication if the patient is unstable or has changing nursing needs, unless the supervising nurse is able to monitor the patient and the effect of the medication on the patient; or
16. administer medications if he/she is unable to do so with reasonable skill and safety to the resident if the resident is impaired by reason of excessive use of mood altering drugs, narcotics, chemicals or any other type of material.

B. - F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:32 (January 2020), LR 49:

**§10089. Allegations of Medication Attendant Certified Wrong-Doing**

A. - B.3.a. ...

C. Through the formal hearing process, determinations will be made on both the certificate for MAC pursuant to this Section and the certificate for CNA practice in accordance with LAC 48:I. §10061-§10079.

1. If the allegation of wrongdoing results in determinations being made against both the MAC and CNA certification simultaneously, both certifications must be brought to informal dispute resolution or appeal together.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:

**§10090. Suspension, Revocation or Denial of Renewal**

A. ...

B. The following are grounds for disciplinary actions:

1. ...
2. procuring or attempting to procure a certificate by fraudulent means;
3. violating any provision of this Chapter; or
4. knowingly making false claims or providing false, forged, or altered information in the resident's medical record or providing false, forged, or altered documentation to the department.

C. - E.3. ...

F. The department shall investigate prior to making a final determination on a suspended certificate. During the time of suspension, the suspended certificate holder shall not perform as a MAC in any capacity.

1. - G.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:

**§10091. Provider Participation and Responsibilities**

A. An LLCF with a license that is in good standing with the department may apply to the department to utilize MACs. Upon receipt of a facility's application, the department shall review the facility's compliance history.

B. If a facility is non-compliant with program regulations, the department shall take into consideration the findings that resulted in the facility's noncompliance before making a determination whether or not to allow the facility to utilize MACs. Emphasis shall be placed on deficiencies cited in the area of medication administration such as significant medication errors, medication error rates and repeat deficiencies of such.

C. The department may deny a facility's request to use MACs if it is determined that, based upon the compliance history, the safety and well-being of residents would be jeopardized. If the facility is denied participation, the facility may ask for a reconsideration and review of the circumstances which contributed to the denial of the application.

1. knowingly making false claims, or providing false, forged, or altered information or documentation to the department, law enforcement, or authorized agencies shall permanently render revocation of the LLCF's participation in the MAC program.

D. The following application information shall be submitted to the HSS for consideration of approval of MAC utilization:

1. the number of beds for the entire LLCF and beds per unit;
2. the total resident capacity for the LLCF;
3. the type of LLCF;
4. policy and procedure describing the plan for orientation, utilization of MACs, tracking and trending of medication errors for MACs, including orientation of all staff to the role of MACs;
5. documentation of the number and type of medication errors in the year prior to the utilization of MACs; and
6. a statement that the LLCF will utilize the MACs in accordance with the department's rules and regulations and will provide evaluation information as indicated.

E. A facility's application that is not complete within 90 calendar days of receipt by the department shall be considered null and void.

F. Approved LLCFs shall have written policies and procedures that a minimum, address the MAC's role, responsibilities, authorized duties, prohibited duties, and medication errors.

G. Disqualification of MAC program. The department may sanction a facility and/or revoke a facility's participation in the MAC program for a period of two years, if it is determined by the department that, based upon the facility's compliance history, the safety and well-being of residents is jeopardized by the facility's non-compliance with licensing standards. The department may also sanction and/or revoke a facility's participation in the MAC program, if the facility provides false statements and/or documentation concerning their MAC program. If the facility's participation is revoked, the facility may ask for a reconsideration and review of the circumstances which contributed to the revocation of participation in the MAC program.

H. Reinstatement of MAC Provider Participation. A LLCF who has lost their MAC program and/or nurse aide training and competency evaluation programming (NATCEP) program due to non-compliance resulting in substandard quality of care, harm or immediate jeopardy, including but not limited to medication errors, may re-apply to participate in the MAC program upon the end of the two-year period of the prohibition timeframe. If the facility's participation in the MAC program is revoked for providing false statements or documentation, the facility may not reapply for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

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

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses since it ensures that the legislative mandates relative to the licensing of providers of medication administration services are clearly and accurately reflected in the administrative Rule.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2022.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Nurse Aide Training and Competency Evaluation Program—Medication Attendant Certified Licensing Standards**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$3,888 will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

In compliance with Act 112 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the Nurse Aide Training and Competency Evaluation Program in order to update the licensing requirements for medication attendants certified (MACs) that provide services in licensed long-term care facilities. This proposed rule updates the existing licensure requirements for

MACs in the Louisiana Administrative Code to align with legislative mandates. It is anticipated that implementation of this proposed rule will not result in costs to MACs and licensed long-term care facilities in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the language in the administrative rule accurately reflects current licensure requirements.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2210#063

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Insurance Office of the Commissioner

#### Regulation 53—Basic Health Insurance Plan Pilot Program (LAC 37:XIII.Chapter 31)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 53—Basic Health Insurance Plan Pilot Program. The purpose of the amendment to Regulation 53 is to modify terminology relative to accident and health insurance and insurance producers and to update statutory references that have been redesignated.

#### Title 37 INSURANCE

#### Part XIII. Regulations

#### Chapter 31. Regulation 53—Basic Health Insurance Plan Pilot Program

#### §3105. Definitions

A. For the purposes of this regulation:

*Accidental Injury*—bodily injury sustained as the result of an unforeseen event and which is the direct reason for receiving care and treatment (independent of disease, bodily infirmity or any other cause). Such care shall occur while coverage under the pilot is in force. It does not include injuries for which benefits are provided under any workers' compensation, employers' liability, or for which another party is liable under automobile, property and casualty, and other coverage.

*Admission*—begins the first day an insured becomes a registered hospital inpatient and continues until insured is discharged from the facility.

*Adult*—an individual who is greater than 24 but less than 65 years of age.

*Applicant*—an individual who applies for coverage under the LA Health Plan.

*Authorized Carrier*—the health insurance carrier or health maintenance organization licensed and in compliance with the Louisiana Insurance Code certified by the department to offer the LA Health Plan.

*Benefit Payment*—the amount the authorized carrier will pay for covered services. See §§3127-3133 of this regulation.

*Benefit Period*—one year, also referred to as year or calendar year. The benefit period does not begin before the insured's effective date. The benefit period does not continue after the insured's coverage ends.

*Clinic*—a facility for the diagnosis, care and treatment of outpatients.

*Commissioner*—the Louisiana Commissioner of Insurance.

*Co-Payment*—the cost-sharing fee charged to an insured under LA Health as specified in the contract between the authorized carrier for LA Health and the insured.

*Department*—the Louisiana Department of Insurance.

*Dependent*—

a. the spouse and all unmarried children under the age of 24;

b. children include natural children, legally adopted children and step-children. Also included are children (or children of a spouse) for whom an insured has legal responsibility resulting from a valid court decree. Foster children that an insured expects to raise to adulthood and that live with an insured in a regular parent-child relationship are considered children;

c. students who are unmarried children who have not yet attained the age of 24 and who are enrolled as fulltime students and who are dependent upon the primary insured;

d. mentally retarded or physically handicapped children remain covered to age 21 at which time they are eligible for their own individual coverage;

e. a child's coverage ends when any of the following occurs:

i. marriage or attaining age 21 (whichever comes first);

ii. termination of an insured's coverage under the LA Health Plan; or

iii. if a child over age 21 no longer qualifies as a full-time student.

*Effective Date*—the date an applicant becomes eligible for coverage under an authorized carrier for the LA Health Plan.

*Hospital*—an institution, licensed by the state, which:

a. provides inpatient services and is compensated by or on behalf of its patients;

b. primarily provides medical and surgical facilities to diagnose, treat and care for the injured or sick;

c. has a staff of physicians licensed to practice medicine by the Louisiana State Board of Medical Examiners;

d. provides nursing care by registered nurses or:

NOTE: The term *hospital* does not mean:

1. an extended care facility, nursing home, community based care, or group home;

2. a place of rest;

3. a facility for the aged;

4. a custodial institution whose primary purpose is to furnish food, shelter, training, or unskilled or nonmedical services; or

5. an institution for exceptional or handicapped children. licensed practical nurses on duty 24-hours-a-day.

*Insurance Producer or Producer*—an individual who is licensed by the commissioner as an insurance producer pursuant to the provisions of R.S. 22:1541-1566.

*Insured*—an individual domiciled in this state who is eligible to receive benefits from an authorized carrier under the LA Health Plan.

*LA Health*—the Louisiana Basic Health Insurance Plan Pilot Program.

*Louisiana Insurance Code*—Title 22 of the Louisiana Revised Statutes of 1950.

*Mental and Nervous Disorders*—includes (whether organic or nonorganic, whether of biological, nonbiological, genetic, chemical, or nonchemical origin, and irrespective of cause, basis or inducement) mental disorders, mental illnesses, psychiatric illnesses, mental conditions and psychiatric conditions. This includes, but is not limited to, psychoses, neurotic disorders, schizophrenic disorders, affective disorders, personality disorders and psychological or behavioral abnormalities associated with transient or permanent dysfunction of the brain or related neurohormonal systems. This is intended to include disorders, conditions, and illnesses listed in Diagnostic and Statistical Manual of Mental Disorders (DSM-IIIIR).

*Minor Dependent*—a dependent under the age of 24.

*Non-Smoker*—an individual who has not smoked cigarettes, cigars, pipes or other substances within the past year.

*Participating Hospital*—a hospital located in Louisiana which has concluded a written agreement with, and in form approved by, an authorized carrier under the LA Health Plan.

*Participating Provider*—a licensed health care provider who has concluded an agreement with, and in form approved by, an authorized carrier under the LA Health Plan to serve those insured by LA Health.

*Pilot Plan*—a plan that provides an insured with health insurance under the LA Health program and is governed by R.S. 22:2241-2247 and authorized by the commissioner.

*Pilot Program*—the program of health insurance which is authorized by R.S. 22:2241-2247.

*Provider*—includes any discipline licensed by the state of Louisiana to provide and be directly reimbursed for services covered by the LA Health Plan including, but not limited to, the following:

a. doctor of medicine (M.D.) legally entitled to practice medicine and perform surgery by the Louisiana State Board of Medical Examiners;

b. doctor of chiropractic (D.C.) legally entitled to practice chiropractic services;

c. doctor of podiatric medicine (D.P.M.) legally entitled to practice podiatry;

d. all providers shall be licensed by the state of Louisiana.

*Semiprivate Room*—a hospital room which has 2, 3, or 4 beds.

*Service Area*—that part of the state of Louisiana in which the authorized carrier is applying to offer or is offering the pilot plan.

*Skilled Nursing Care*—care required, while recovering from an illness or injury, which is received in a skilled nursing facility. This care requires a level of care or services less than that in a hospital, but more than could be given in the patient's home or in a nursing home not certified as a skilled nursing facility.

*Smoker*—an individual who has smoked cigarettes, cigars, pipes or other substances within the past year or who

is currently smoking cigarettes, cigars, pipes or other substances.

*Utilization Review*—a function performed by an authorized carrier under the LA Health Plan or an entity selected by the carrier to review and approve whether the services provided, or to be provided, are medically necessary including, but not limited to, whether acute hospitalization, length of stay, outpatient care, or diagnostic services are appropriate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### **§3113. Authorization of Pilot Plan**

A. - B.5. ...

C. The LA Health Plan shall not be issued or delivered to an applicant for the plan until a copy of the form is filed and approved by the commissioner. The commissioner shall review these forms in accordance with the Louisiana Insurance Code.

D. ...

E. The commissioner, in accordance with the Louisiana Insurance Code, may make, or cause to be made, an examination of the books and records of the authorized carrier of the LA Health Plan as the commissioner deems necessary to ensure compliance with these regulations and the pilot plan agreement.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### **§3115. Revocation of an Authorized Carrier's Authority**

A. ...

1. the authorized carrier's plan does not comply with R.S. 22:2241-2247 or the Louisiana Insurance Code;

2. an authorized carrier becomes subject to suspension or revocation of its certificate or authority under the Louisiana Insurance Code;

A.3. - D.3 ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### **§3119. Premium Taxes**

A. Premium taxes required under R.S. 22:842 shall be imposed on an authorized carrier.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### **§3121. Guaranty Association**

A. All applicable assessments for the Louisiana Life and Health Insurance Guaranty Association shall be imposed on an authorized carrier in accordance with R.S. 22:2081-2099.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### §3123. Health Insurance Producers

A. For purposes of serving a LA Health Plan policy or soliciting prospective insureds for such a policy, insurance producers licensed for the line of accident and health or sickness shall be deemed to be servicing and soliciting within the scope of their license, pursuant to R.S. 22:1541-1547 and 22:255 of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### §3125. Eligibility

A. Eligibility for coverage and the effective date for an insured shall be determined by the authorized carrier after an applicant has returned the application for coverage to the authorized carrier and has been approved by said carrier. Eligibility for the LA Health Plan is limited to Louisiana residents with income levels below 250 percent of the federal poverty level. Individuals with major medical accident and health insurance coverage, individuals who are eligible for coverage under the Medicaid or Medicare programs, and those who have voluntarily canceled their accident and health insurance coverage during the last six months are not eligible under the LA Health Plan. The only exception to this requirement is for those individual eligibles who are without coverage because their coverage furnished in accordance with R.S. 22:1046, group health continuation coverage, has expired; or for those individual eligibles with significantly reduced coverage through benefit riders or limitations.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### §3127. Benefits

A. ...

B. No requirement of the Louisiana Insurance Code relating to minimum required policy benefits, other than the minimum standards contained in this regulation or in R.S. 22:2241-2247, shall apply to the LA Health Plan, its insureds, or the authorized carrier.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### §3141. Premium Maximums, Method for Calculating

A. Premiums charged for the LA Health pilot plans shall be based on the average standard rate charged by the five largest health and accident insurers offering individual coverage in the state, as identified by the Louisiana Health Insurance Association's annual survey in accordance to R.S. 22:1213.E.3. Annual survey results may be obtained from the department. For the purpose of calculating the maximum

premiums as established in §3141.B of this regulation, insurers shall use the premiums identified in the Louisiana Health Insurance Association's Plan "A" and shall use the strict average of male and female rates.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

### §3145. General Provisions

A. - D. ...

E. An authorized carrier may change the amount of monthly premium for the LA Health Plan in compliance with the Louisiana Insurance Code. Payment by the insured of the new rate is sufficient to indicate acceptance of the new rate.

F. The LA Health Plan shall be governed by the laws and regulations of the state of Louisiana and specifically those of the LA Health Plan. Nothing in the LA Health Plan shall be construed so as to be in violation of any federal or state law or regulation with the exception of laws specifically preempted by R.S. 22:2241-2247.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:2241-2247, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:1012 (September 1994), amended LR 49:

#### Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary

Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be

accepted through the close of business, 4:30 p.m., November 10, 2022.

James J. Donelon  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 53—Basic Health Insurance Plan Pilot Program**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to modify terminology relative to accident and health insurance and insurance producers and to update statutory references that have been redesignated.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no impact on state or local governmental revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule is not anticipated to have any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The rule is being amended to modify terminology and updates statutory references that have been redesignated.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule will have no impact upon competition and employment in the state.

Denise Gardner  
Chief of Staff  
2210#025

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Insurance Office of the Commissioner**

Regulation 101—Registration and Regulation of Navigators  
(LAC 37:XIII.Chapter 143)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to repeal Regulation 101—Registration and Regulation of Navigators in light of Act No. 635 of the 2014 Regular Session, which repealed R.S. 22:753(H)(5) and enacted R.S. 22:1566, relative to the regulation of health insurance navigators.

#### **Title 37 INSURANCE**

#### **Part XIII. Regulations**

#### **Chapter 143. Regulation Number 101—Registration and Regulation of Navigators**

#### **§14301. Purpose**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14303. Authority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14305. Applicability and Scope**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14307. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14309. Registration of Navigators**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14311. Required Education and Training**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14313. Prohibited Conduct**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14315. Required Reports and Reporting**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **§14317. Enforcement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, repealed LR.

#### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; and, therefore, will have no less intrusive or less cost alternative methods.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

**Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

**Public Comments**

Interested persons who wish to make comments may do so by writing to John Piccione, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., November 9, 2022.

James J. Donelon  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation 101—Registration and  
Regulation of Navigators**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is not anticipated to result in implementation costs or savings to the state or local governmental units. The rule is being repealed due to the passage of Act 635 of the 2014 Louisiana Regular Legislative Session.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no impact on state or local governmental revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change is not anticipated to result in any cost and/or economic benefits to directly affected persons, small businesses, or non-governmental organizations. The rule is being repealed due to the passage of Act 635 of the 2014 Louisiana Regular Legislative Session.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The proposed rule will have no impact upon competition and employment in the state.

Denise Gardner  
Chief of Staff  
2210#023

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

**Regulation 124—Catastrophe Claims Process Disclosure  
Form-Guide  
(LAC 37:XIII.Chapter 191)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby gives notice of its intent to promulgate Regulation 124—Catastrophe Claims Process Disclosure Form-Guide. Regulation 124 is necessary to implement the provisions of Acts 2022, No. 80 of the Regular Session of the Louisiana Legislature, which require the commissioner of insurance to create rules and regulations related to the issuance of a catastrophe claims process disclosure form-guide pursuant to the particulars set forth in R.S. 22:1897.

Regulation 124 addresses the disclosure form-guide that property and casualty insurers shall provide to its policyholders who have asserted a property insurance claim arising out of an event declared by the governor to be a state of emergency. Regulation 124 also identifies the deadline for, the permissible methods of, and the type and quality of documentary evidence needed to prove, delivery of the disclosure form-guide to a policyholder in accordance with R.S. 22:1897.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 191. Regulation 124—Catastrophe Claims  
Process Disclosure Form-Guide**

**§19101. Authority**

A. Regulation 124 is promulgated on behalf of the Department by the Commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:11, and as specifically required in accordance with R.S. 22:1897.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19103. Purpose**

A. The purpose of Regulation 124 is to implement the provisions of Acts 2022, No. 80 of the Regular Session of the Louisiana Legislature, which mandate that the Department promulgate rules and regulations for a catastrophe claims process disclosure form-guide that includes, but is not limited to, the particulars specified in R.S. 22:1897(A)(1) – (12).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19105. Scope and Applicability**

A. Regulation 124 applies to all property and casualty insurers settling a property insurance claim arising out of a state of emergency declared by the governor pursuant to R.S. 29:724.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19107. Definitions**

A. These terms when used in this Chapter shall have the following meanings:

*Commissioner*—the Louisiana Commissioner of Insurance.

*Department*—the Louisiana Department of Insurance.

*Disclosure form-guide*—the catastrophe claims process disclosure form referenced in R.S. 22:1897.

*Governor*—the governor of the state of Louisiana.

*Insurer(s)*—property and casualty insurer(s) licensed to conduct business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19109. Disclosure Form-Guide**

A. Whenever a state of emergency is declared by the governor in accordance with R.S. 29:724, an insurer must provide a disclosure form-guide to all policyholders asserting a claim for damages occasioned by the disaster or catastrophic event made the subject of the governor’s emergency declaration.

B. The disclosure form-guide was created by the department in accordance with the particulars set forth in R.S. 22:1897(A)(1)-(12) and thereafter issued by bulletin to all property and casualty insurers licensed in this state.

C. The disclosure form-guide has been uploaded to the department’s website, at www.lda.la.gov, and insurers are authorized to access and download it as needed to comply with Regulation 124 and with the statutory requirements set forth in R.S. 22:1897.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19111. Date and Method of Delivery**

A. The insurer shall send the disclosure form-guide to the policyholder on the date that the adjuster commences an initial investigation of the claim.

B. The insurer may deliver the disclosure form-guide to the policyholder by United States mail, electronic delivery, or hand-delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19113. Proof of Timely Delivery**

A. Delivery by Mail. If the disclosure form-guide is sent to a policyholder via United States mail, proof of such mailing shall be sufficient evidence to establish delivery of

the disclosure form-guide, provided it reflects the date of the mailing and the policyholder.

B. Electronic Delivery. If the disclosure form-guide is sent to a policyholder via email, the email delivery receipt or, if none, a copy of the as-sent email, shall be sufficient evidence to establish delivery of the disclosure form-guide, provided the delivery receipt or email reflects the date of the electronic mailing and the policyholder.

C. Hand-Delivery. If the disclosure form-guide is hand-delivered to a policyholder, the representative of the insurer perfecting delivery must complete and sign a “Certificate of Hand-Delivery,” verifying pertinent details related to the delivery of the disclosure form-guide, including the date and location of the delivery, the name of the person accepting the delivery, and the name of the policyholder. Appendix A sets forth the “Certificate of Hand-Delivery” form insurers must use when opting to hand-deliver the disclosure form-guide to a policyholder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19115. Severability Clause**

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart, which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19117. Effective Date**

A. Regulation 124 shall become effective upon publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

**§19119. Appendix A—Certificate of Hand-Delivery**

**CATASTROPHE CLAIMS PROCESS DISCLOSURE FORM-GUIDE**

I hereby certify, under penalty of perjury, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I appeared at:

(Physical address): \_\_\_\_\_

\_\_\_\_\_

and personally hand-delivered a true and complete copy of the Catastrophe Claims Process Disclosure Form-Guide to:

(Name of recipient): \_\_\_\_\_

Delivery of this disclosure form-guide was made in connection with the following policy of insurance:

(Policy number): \_\_\_\_\_

(Policyholder): \_\_\_\_\_

(Printed Name): \_\_\_\_\_

(Signature): \_\_\_\_\_

(Date signed): \_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:

#### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety,

environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Philip Dominique, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., November 10, 2022.

James J. Donelon  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 124—Catastrophe Claims Process Disclosure Form-Guide**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is promulgated to implement the passage of Act 80 of the 2022 Regular Session of the Louisiana Legislature, which requires the Commissioner of Insurance to create rules and regulations related to the issuance of a catastrophe claim process disclosure form-guide. All property and casualty insurers shall provide a catastrophe

- claims process disclosure form-guide to its policyholders who have filed a property insurance claim arising out of an event declared by the governor as a state of emergency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule will have no impact on state or local governmental revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule may affect property and casualty insurers licensed in Louisiana. The proposed rule requires property and casualty insurers to provide a disclosure form-guide to all policyholders filing a claim for property damages as a result of an event declared by the governor as a state of emergency. The catastrophe claims process disclosure form-guide is being created by the Commissioner of Insurance and will be uploaded to the LDI website for insurers to access and download as needed. The insurer shall send the disclosure form-guide to the policyholder by United States mail, electronic delivery, or hand delivery.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule will have no impact upon competition and employment in the state.

Denise Gardner  
Chief of Staff  
2210#057

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

#### Community Injection Wells and Systems (LAC 43:XIX.317)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, notice is hereby given that the Department of Natural Resources, Office of Conservation proposes to amend Statewide Order No. 29-B (LAC 43:XIX.317) to facilitate the use of produced water or brine in community enhanced recovery projects on a non-commercial basis.

The Department of Natural Resources, Office of Conservation proposes to amend provisions governing the oversight of the Class II Injection Well program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Oversight for the Class II Injection Well program is held by the Underground Injection Control Program (UIC Program), located within the Office of Conservation. Class II wells are a federally-designated well class that allow for the injection of fluid associated with exploration and production of hydrocarbons. The UIC Program has held Primary Enforcement Authority from the United States Environmental Protection Agency (US EPA) for Class II wells since 1982.

## Title 43

### NATURAL RESOURCES

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

#### Chapter 3. Pollution Control—Onsite Storage, Treatment, and Disposal of Exploration and Production Waste (E and P Waste) Generated from the Drilling and Production of Oil and Gas Wells (Oilfield Pit Regulations)

#### §317. Requirements for Class II Community Saltwater Injection Wells and Systems

##### A. General Provisions

1. Community Saltwater Disposal Wells and Systems. The use of a legally permitted saltwater disposal well and system for community saltwater disposal purposes is prohibited unless the disposal well system operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation. Such statement must indicate that the operators using the community saltwater disposal system share only in the cost of operating and maintaining the well and related storage tanks and equipment (system).

2. Community Enhanced Oil Recovery Injection Wells and Systems. The use of a legally permitted enhanced oil recovery injection well for community saltwater injection purposes is prohibited unless the injection well operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation.

B. The operator of an existing or proposed community saltwater injection well and system must submit the following information to the Office of Conservation:

1. the name of the community saltwater injection system including the injection well name(s) and number(s), serial number(s), field, and section, township, and range;

2. a list of the operators using the community saltwater injection system;

3. - 5. ...

C. Within six months of the effective date of this amendment and annually thereafter, the operator of an existing community saltwater injection system shall report the information required in §317.B above to the Office of Conservation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2806 (December 2000), amended LR 49:

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. The proposed rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, housing, health care, nutrition, transportation, and utilities assistance.

### Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

### Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5 p.m. on December 1, 2022.

### Public Hearing

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5 p.m. on December 1, 2022. A public hearing is not currently scheduled, but if requested will be held on the morning of Thursday, December 1, 2022.

Richard P. Ieyoub  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Community Injection Wells and Systems

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule change is not anticipated to result in costs or savings to state or local governmental units. The

proposed rule adds language that allows for the operation of non-commercial community enhanced recovery injection well projects.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change is not anticipated to have any effect on revenue collections for state or local governmental units.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This rule change will allow operators to re-use produced water or brine on a non-commercial basis for enhanced recovery projects. This rule change is likely to create a costs savings for operators of oil and gas wells located near enhanced recovery injection projects by not having to install injection wells or commercially dispose of their waste. Also, operators who operate these enhanced recovery projects will benefit by not having to install brine or water source wells.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have any impact on competition or employment.

Richard P. Ieyoub  
Commissioner  
2210#027

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Gaming Control Board

Video Draw Poker  
(LAC 42:XI.2411 and 2413)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:XI.2411—Regulatory, Communication, and Reporting Responsibilities, and LAC 42:XI.2413—Devices. The proposed amendments will require licensed service entities to maintain records of invoices, of service and/or repair to devices, which shall contain electronic (soft) and mechanical (hard) meter readings before and after service and/or repair of the device when the logic board is accessed or meter readings are altered. The proposed amendments will require video gaming licensees to provide the service/repair form and current meter readings from the device to the division upon request. The proposed amendments will require device owners to retain the door ticket, which may be scanned and retained electronically, for a period not less than 90 days. The proposed amendments will require device owners to maintain a current written maintenance log that shall contain as a log entry any time the logic board is accessed or meter readings are altered, mechanical (hard) and electronic (soft) meter readings of the video draw poker gaming device.

### Title 42

### LOUISIANA GAMING

### Part XI. Video Poker

### Chapter 24. Video Draw Poker

### §2411. Regulatory, Communication, and Reporting Responsibilities

A. - E.6. ...

F. Licensed Service Entities

1. All licensed service entities shall be required to maintain the following records:

a. invoices, of all services and/or repairs to devices, which shall contain, but not be limited to:

- i. date device was received;
- ii. date device was serviced;
- iii. date device was returned;
- iv. service entity name and license number;
- v. device owner name and license number;
- vi. manufacturer, make, and model number of the device;

vii. device serial number;  
viii. description of service and/or repair performed on the device;

ix. name of certified technician performing service and/or repair on the device; and

x. electronic (soft) and mechanical (hard) meter readings before and after service and/or repair of the device when the logic board is accessed or meter readings are altered;

F.1.b. - G.2...

3. If applicable, all licensees shall provide the division with all required device-related reports, to include, but not be limited to, the following:

a. application for video poker device permit, which shall be submitted for any enrollment, device renewal, device transfer, decal replacement, or withdrawal within five business days of any enrollment, device renewal, device transfer, decal replacement, or withdrawal;

b. gaming device ownership transfer notification, which shall be submitted for any change of ownership of any device within five business days of the change of ownership;

c. video gaming device shipment notification, which shall be submitted for any shipment of any device at least three business days prior to the date of shipment of any device; and

d. video gaming device service/repair form, which shall be submitted upon request of the division when any service or repair is done to a device that alters any meter reading of the device. The division may request current meter readings from the device that shall be submitted in a manner prescribed by the division within 24 hours.

H. - H.4...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:269 (February 2004), repromulgated LR 30:444 (March 2004), amended LR 32:109 (January 2006), LR 49:

### §2413. Devices

A. - A.1.o. ...

p. a ticket voucher printing system located in a locked compartment of the device in order to safeguard the audit copy. In addition:

i. printing of all totals from the meters shall occur automatically by means of a switch attached to the locking mechanism each time the device is accessed;

ii. the printing system shall have a paper sensing device that prevents play and disables the device if there is

insufficient paper to print a ticket voucher for a player or an audit copy. Upon sensing the "paper low" or "paper out" signal, the device shall finish printing the ticket voucher for the last game played and prevent further play; and

iii. the paper contained in the printing mechanism for the printing of the ticket vouchers and the audit copy shall be of a type which diminishes the ability to copy, alter, or falsify;

iv. all device owners shall retain the door ticket for a period of not less than 90 days. The door ticket may be scanned and retained electronically.

A.1.q. - E.6. ...

7. All device owners shall maintain a current, written maintenance log for each video draw poker gaming device operating within a licensed establishment, on a form approved by the division, for the purpose of keeping records of routine maintenance and repairs. All log entries shall contain the following information:

a. time and date of access of the video draw poker gaming device;

b. reason for access of the video draw poker gaming device;

c. any time the logic board is accessed or meter readings are altered, mechanical (hard) and electronic (soft) meter readings of the video draw poker gaming device;

d. the signed and printed name and state issued permit number of the certified individual accessing the video draw poker gaming device;

e. area of the video draw poker gaming device accessed; and

f. time and date the video draw poker gaming device was secured.

E.8. - L.1.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq. and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:197 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 25:85 (January 1999), LR 30:269 (February 2004), repromulgated LR 30:446 (March 2004), amended LR 32:109 (January 2006), LR 32:1613 (September 2006), LR 40:1109 (June 2014), repromulgated LR 40:1382 (July 2014), amended LR 40:1384 (July 2014), LR 49:

### Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

1. The effect on stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family.

4. The effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule.

### Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

Pursuant to the provisions of R.S. 49:974.2-974.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

**Provider Impact Statement**

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of November 10, 2022.

Ronnie S. Johns  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Video Draw Poker**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will result in savings to state governmental units as a result of the proposed rule changes to LAC 42:XI.2411 – Regulatory, Community, and Reporting Responsibilities and LAC 42:XI.2413 - Devices. The proposed rule change may slightly decrease the workload for Louisiana State Police Gaming Enforcement Division on behalf of the Gaming Control Board, due to licensees being required to provide service/repair forms upon request rather than submitting the forms within five business days of the service/repair to the video gaming device that may alter the meter reading. The proposed rule change will also require licensees to provide current meter readings in a manner prescribed by the division within twenty-four hours.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change may result in cost savings to directly affected persons, small businesses, or non-governmental units. Currently, licensees are required to submit the service/repair form within five business days of the service/repair that may alter meter readings from the video gaming device. The proposed rule change will require video gaming licensees to provide the service/repair form to the division upon request and to provide current meter readings in a manner prescribed by the division, within twenty-four hours. The proposed rule change will require licensed service entities to maintain records of invoices, service, and/or repair to devices when the logic board is accessed or meter readings are altered. The proposed rule change will require device owners to retain the door ticket, which may be scanned and retained electronically, for a period not less than 90 days and to maintain a current written maintenance log containing a log entry any time the logic board is accessed or meter readings, mechanical (hard) and electronic (soft), of the device are altered.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition and employment.

Ronnie S. Johns  
Chairman  
2210#018

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Policy Services Division**

**Apprenticeship Tax Credits (LAC 61:I.1909)**

Under the authority of R.S. 47:1511 and 6033 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1909 relative to Apprenticeship Tax Credits.

Revised Statute 47:6033 authorizes a credit for businesses that hire an eligible apprentice, as defined therein. The purpose of these proposed amendments is to implement Act 454 of the 2021 Regular Session of the Louisiana Legislature relative to Apprenticeship Tax Credits.

**Title 61**

**REVENUE AND TAXATION**

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

**Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions**

**§1909. Apprenticeship Tax Credits**

**A. General Description**

1. For tax periods beginning after December 31, 2021, Revised Statute 47:6033 authorizes businesses to earn a non-refundable apprenticeship tax credit against Louisiana income tax or corporation franchise tax equal to \$1.25 for each hour of employment of each eligible apprentice, as defined herein, not to exceed 1,000 hours for each eligible apprentice.

2. In order to be eligible for the credit, a business must employ a person who:

- a. is an eligible apprentice, as defined herein;

b. has been employed for a minimum of 250 hours during the taxable period; and

c. satisfies all other criteria of this Section.

3. The credit shall be earned in the year in which the taxpayer is deemed to have satisfied all requirements of this Section, as approved by the department.

4. The credit shall be allowed against the income tax for the taxable period for which the credit is earned and against the franchise tax for the taxable period following the period in which the credit is earned. If the tax credit allowed pursuant to R.S. 47:6033 exceeds the amount of such taxes due, any unused credit may be carried forward as a credit against subsequent liability for a period not to exceed five years.

5. A taxpayer shall not receive any other incentive for the job creation or hiring of an eligible apprentice for which the taxpayer has received a tax credit pursuant to this Section, including but not limited to the provisions of R.S. 25:1226, 47:297.13, 6023, 6026, 6028, 6033, 6034, 51:1781, 2451, or 3121.

#### B. Definitions

*Department*—the Louisiana Department of Revenue

*Eligible Apprentice*—a person who:

a. has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program as provided for in R.S. 23:381; or

b. is enrolled in a training program accredited by the National Center for Construction Education and Research (NCCER) which has no less than four levels of training and no less than 500 hours of instruction:

i. has successfully completed no less than two levels of training; and

ii. has attained no less than 250 hours of instruction.

#### C. Claiming the Credit

1. Taxpayers must attach to the applicable Louisiana income tax return both a completed Apprenticeship Tax Credit Employer Certification (Form R-90005), as well as Tax Incentives with Job Creation Components (Form R-6311). Additionally, supporting documentation should be maintained or submitted to the department, as directed in Paragraph 2 of this Subsection.

2. Unless otherwise provided, eligible employers will be responsible for obtaining and submitting all required information, which includes the following:

a. For taxpayers seeking to qualify pursuant to a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program provided for in R.S. 23:281, the number of hours worked during the taxable period for each eligible apprentice. In addition, a copy of the contract executed between the employer and the eligible apprentice should be maintained and available for production upon request from the department to substantiate the qualification of an eligible apprentice.

b. For taxpayers seeking to qualify pursuant to an eligible apprentice enrolled in a training program accredited by NCCER, a copy of the NCCER transcript for each eligible apprentice, which includes:

i. the level of training attained by the student enrolled in the training program;

ii. the number of hours worked during the taxable period by the student enrolled in the training program.

c. Any other information required by the department.

#### D. Approval

1. No later than January 31 of each calendar year, the Louisiana Workforce Commission shall provide to the department a list of all employers or association of employers that have registered and have been approved to participate in an apprenticeship program as provided for in R.S. 23:381.

2. A taxpayer is deemed eligible upon satisfactorily demonstrating that it has met the requirements of Subsection A of this Section during the taxable year. Eligibility shall authorize a taxpayer for one or more nonrefundable credit(s) with a carryforward of five years equal to the lesser of \$1.25 for each hour of employment or \$1,250 for the tax period deemed eligible.

3. For any amounts denied, the department shall notify the taxpayer as to each apprentice so denied and provide the reasons for denial.

4. For each calendar year, beginning with calendar year 2023, the department shall not approve credits in excess of \$2,500,000. Claims shall be approved as eligible for the credit by the department on a first-come, first-served basis as determined by the postmarked or received date of all documentation required by Subsection C of this Section. A claim shall not be considered complete until all information requested by the department has been received.

5. If the total amount of credits granted in any calendar year to qualifying businesses is less than the respective cap, any residual amount may be available for issuance by the department in subsequent calendar years. For purposes of the credit cap, any amounts authorized by the department shall be deemed granted for the calendar year in which the credit is earned.

6. In the event it is determined by the department that the taxpayer has not met the requirements of Subsection A of this Section, any amounts approved by the department are subject to disallowance by the department and any amounts allowed to offset tax are subject to recapture by the department.

7. The accrual of refund interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6033.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:1791 (August 2010), amended LR 49:

#### Family Impact Statement

The proposed amendment of LAC 61:I.1909 regarding Louisiana Apprenticeship tax credits should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.

2. The authority and rights of parents regarding the education and supervision of their children.

3. The functioning of the family.

4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

**Poverty Statement**

This proposed amendment of LAC 61:I.1909 will have no impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

It is anticipated that the amended regulation should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

**Provider Impact Statement**

The amended regulation will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Brad Blanchard, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Tuesday, November 29, 2022.

**Public Hearing**

A public hearing will be held on Wednesday, November 30, 2022, at 10 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Apprenticeship Tax Credit**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The purpose of this proposed regulation is to amend LAC 61:I.1909 to implement the portion of Act 454 of the 2021 Regular Session relative to the Apprenticeship Tax Credit Program. Act 454 provides an apprenticeship tax credit for tax periods beginning after December 31, 2021. Act 454 allows a non-refundable credit against income and franchise tax equal to \$1.25 per hour of employment with a five-year carryforward for each eligible apprentice. The Act defines an “eligible apprentice” as one who has either entered into a written apprenticeship agreement under Chapter 4 of Title 23 of the Revised Statutes or was enrolled in a training program accredited by the National Center for Construction Education and Research with at least four levels of training and five hundred hours of instruction. The proposed rule provides for

administration of the tax credit program such as administering the cap on a first-come, first-serve basis, the application process, the documentation that will be required of employers claiming the credit and providing for disallowance and recapture provisions. No material impacts on expenditures to state or local government entities are anticipated due to this proposed rule change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Act 454 provides a nonrefundable tax credit against income and franchise tax to employers equal to \$1.25 for every hour an eligible apprentice works. The credit requires a minimum of 250 hours worked in a taxable period, and the credit is capped at \$1,250 per eligible apprentice. Act 454 sets an annual aggregate cost cap of \$2.5 million for the apprenticeship tax credit. Assuming that credit uptake for the apprenticeship tax credit remains comparable to similar tax credits offered in the past, the estimated impact would be a state general fund revenue loss of \$1.2 million annually. No material impact on revenue collections to local governmental units is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

No material aggregate impacts on costs or economic benefits are anticipated for affected persons, small business or non-governmental groups due to this proposed rule change. In order to claim the tax credit, taxpayers must attach a copy of supporting documentation to support eligibility for the credit. Any additional costs for completion and submission of the required paperwork of this proposed rule are expected to be minimal.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No material impact on competition or employment is anticipated.

Kevin J. Richard, CPA  
Secretary  
2210#026

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Policy Services Division**

**Fresh Start Proper Worker Classification Initiative  
(LAC 61:III.2301)**

Under the authority of R.S. 47:1511 and 1576.3, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to enact LAC 61:III.2301, to provide guidance on the Fresh Start Proper Worker Classification Initiative adopted by Act 406 of the 2022 Regular Session.

R.S. 47:1576.3 authorizes the secretary to promulgate rules for the administration of the Fresh Start Proper Worker Classification Initiative. Additionally, R.S. 47:1511 authorizes the secretary to prescribe rules and regulations to carry out the purposes of any statutes or provisions included under the secretary's authority. R.S. 47:1576.3(B) authorizes certain employers who have been treating workers as independent contractors to voluntarily reclassify a class or classes of workers as employees for future periods without being held liable for withholding tax, interest or penalties for prior periods. The purpose of this Rule is to administer and implement the voluntary worker classification program

enacted by Act 406 of the 2022 Regular Session. The Rule provides guidance regarding the necessary qualifications to participate in the program and the conditions associated with an accepted application.

## **Title 61**

### **REVENUE AND TAXATION**

#### **Part III. Administrative and Miscellaneous Provisions**

#### **Chapter 23. Fresh Start Proper Worker Classification Initiative**

##### **§2301 Fresh Start Program**

A. Definitions. For purposes of this Section and the administration of the Fresh Start Proper Worker Classification Initiative (“Fresh Start Program”) set forth in R.S. 47:1576.3, the following terms have the meanings ascribed to them.

*IRS Form 1099-MISC*—an information return required to be filed with the Internal Revenue Service, in accordance with Section 6041(a) of the Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder, to report nonemployee compensation paid to a service provider prior to January 1, 2020.

*IRS Form 1099-NEC*—an information return required to be filed with the Internal Revenue Service, in accordance with Section 6041A(a) of the Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder, to report nonemployee compensation paid to a service provider on or after January 1, 2020 or any equivalent form required to be filed by the Internal Revenue Service.

*Reclassified Employees*—a worker, or a class or classes of workers who were consistently treated as independent contractors or other non-employees by the taxpayer for the previous three years and for which the Taxpayer filed all required Forms 1099-NEC, or Forms 1099-MISC, with the Internal Revenue Service, consistent with the nonemployee treatment, who will be treated as employees for future periods.

*Taxpayer*—the person seeking to voluntarily reclassify a worker, or a class or classes of workers through the Fresh Start Program.

B. Application Requirements. Taxpayers applying for relief under the Fresh Start Program shall comply with the following procedures.

1. Applications shall be submitted electronically on forms provided by the secretary between January 1, 2023 and December 31, 2023.

2. An application shall include:

a. a list of each worker that the applicant seeks to voluntarily reclassify as an employee for future tax periods under the Fresh Start Program, including the worker’s name, social security number, date of hire and class;

b. copies of the IRS Forms 1099-NEC, or IRS Forms 1099-MISC, that were filed with the IRS for the previous three years for each of the workers for which reclassification is sought under the Fresh Start Program;

c. proof of workers’ compensation coverage for the reclassified employees. Coverage shall have an effective date for the reclassified employees of no earlier than 60 days prior to and no later than the date the application is submitted;

d. any other information requested by the Department of Revenue. Additional information shall be submitted within 45 calendar days of the date of written

request. Failure to provide the additional information within 45 days may result in denial of the application; however, reasonable extensions may be granted.

3. If a taxpayer does not complete the application in its entirety, the Department of Revenue shall notify the applicant of the deficiencies by mail. The taxpayer shall have 45 calendar days from the date of the notification to correct the deficiencies. If the taxpayer fails to respond during the 45 day period, the application shall be denied.

##### **C. Eligibility**

1. A taxpayer is not required to reclassify all of its workers who are currently treated as nonemployees, but shall reclassify all workers within the same class.

2. R.S. 47:1576.3(F) provides that a taxpayer is not eligible for relief if the taxpayer or a member of its affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code is currently under an employment, withholding, or unemployment tax audit by the Internal Revenue Service, United States Department of Labor, or a state government entity. For purposes of this exclusion, a taxpayer that has been contacted by the auditing agency to initiate an audit concerning the classification of workers is considered to be currently under audit.

##### **D. Determination of Ineligibility**

1. If the Department of Revenue determines that a taxpayer is ineligible to participate in the Fresh Start Program, the department shall send written notice to the taxpayer within 30 days of such determination.

2. Ineligible taxpayers are not entitled to any relief under the Fresh Start Program.

##### **E. Closing Agreement**

1. R.S. 47:1576.3(E)(2) states that acceptance of a taxpayer’s application constitutes a joint closing agreement between the taxpayer and the Department of Revenue.

2. Upon acceptance of an application for participation in the Fresh Start Program, the taxpayer agrees to the following conditions which shall be deemed part of the joint closing agreement.

a. Taxpayer shall timely report and remit all withholding taxes for the reclassified employees, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

b. Taxpayer shall timely remit all unemployment insurance contributions for the reclassified employees, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

c. Taxpayer shall maintain workers compensation coverage for the reclassified workers, or class or classes of workers for all tax periods beginning with and subsequent to the date on which the taxpayer is accepted for participation in the Fresh Start Program and for a period of three years thereafter.

3. The terms of the closing agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

4. The secretary reserves the right to void the closing agreement if the applicant taxpayer fails to comply with any of the conditions outlined in the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 47:1511 and 47:1576.3.

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

### Family Impact Statement

The proposed Rule has no known or foreseeable impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the proposed Rule has no known or foreseeable impact on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
4. The behavior and personal responsibility of children.
5. The ability of the family or a local government to perform this function.

### Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

### Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:978.5.

### Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

### Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Brandea Averett, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., November 27, 2022.

### Public Hearing

A public hearing will be held on November 28, 2022 at 10 a.m. in the LaBelle located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Kevin J. Richard, CPA  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Fresh Start Proper Worker Classification Initiative

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule provides procedures and requirements for applying for relief under the Fresh Start Proper Worker Classification Initiative established by Act 406 of the 2022 Regular Session. The program allows certain employers who have misclassified employees to voluntarily reclassify those employees in exchange for relief from withholding tax, interest and penalties that may have been due for prior periods. The proposed rule will not result in material implementation costs or savings to state or local governmental units. To the extent

the Department incurs additional costs, they will be absorbed in the existing budget.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no direct impact on annual state or local revenue collections by the Department of Revenue.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will have minimal direct economic impact on directly affected persons, small businesses, or non-governmental groups. Affected businesses are employers who have been misclassifying employees as independent contractors and consistently treating them as independent contractors. Additional paperwork will be required for employers applying for relief through the Fresh Start Program initiative, but the costs are not expected to be material. Electronic filing is also required, which is expected to be accommodated under normal business operations for most. Any business obtaining relief provided by the program will avoid withholdings, penalties and interest to the extent the program allows.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule does not affect competition or employment.

Kevin J. Richard, CPA  
Secretary of Revenue  
2210#007

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Revenue Policy Services Division

Income Tax Return Filing Extensions  
(LAC 61:III.2501, 2503, 2505, and 2507)

Under the authority of R.S. 47:103(D), 287.614(D), 612, 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:III.2501, 2503, 2505, and 2507 relative to income and franchise taxes filing extensions.

Act 410 of the 2022 Regular Legislative Session authorizes an automatic six-month filing extension for individual income, fiduciary income and partnership taxpayers unable to file their income tax return by the original due date of the return. The Act also authorizes a six-month extension for corporation income tax if the taxpayer timely requested an extension for federal income tax purposes. The primary purpose of these proposed amendments is to provide guidance to taxpayers seeking an extension for filing income and franchise tax returns.

### Title 61

### REVENUE AND TAXATION

#### Part III. Administrative and Miscellaneous Provisions Chapter 25. Returns

#### §2501. Individual Income Tax Filing Extensions

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.

2. A taxpayer may request a state filing extension by submitting one of the following:

- a. a paper Louisiana Department of Revenue form requesting a filing extension;
  - b. a paper copy of the taxpayer's Internal Revenue Service form requesting an extension to file a federal income tax return for the same taxable period; or
  - c. an electronic application.
3. An electronic application may be submitted by:
- a. the Department of Revenue's web site;
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, estimated taxes due must be paid on or before the original due date.

D. For taxable periods prior to January 1, 2022 a tax preparer subject to the electronic filing mandate under LAC 61:III.1501.B must file an electronic application for a state filing extension for individual income taxes.

E. Failure to file the return by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1137 (June 2009), amended LR 36:73 (January 2010), LR 39:103 (January 2013), LR 45:1809 (December 2019), amended LR 49:

### §2503. Corporation Income and Franchise Tax Filing Extensions

A. *Louisiana Revised Statute* Title 47, Section 287.614(D) provides that the secretary may grant a reasonable extension of time to file a state corporation income and franchise tax return, not to exceed seven months, from the date the return is due.

1. To obtain a filing extension, the taxpayer must make the request on or before the tax return's due date.
2. A taxpayer must request a state filing extension by submitting an electronic application.
3. An electronic application may be submitted via:
  - a. the Department of Revenue's web site at [www.revenue.louisiana.gov/extensions](http://www.revenue.louisiana.gov/extensions);
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022 the secretary shall grant a reasonable extension of time to file a state corporation income and franchise tax return for the same extended period of time as the taxpayer's federal extension, or six-months, whichever is later, with no state extension request required.

1. A taxpayer who files a corporation franchise tax return without a corporate income tax return is ineligible for a filing extension pursuant to R.S. 47:612.

2. A taxpayer must mark the box on the CIFT-620, *Louisiana Corporation Income and Franchise Tax Return*, noting that they have timely applied for a federal extension for the same taxable period.

a. If approved for a federal extension, a taxpayer should retain a copy of their approval determination letter Federal Form 6513, *Extension of Time to File*.

b. Failure to obtain an approved federal extension shall result in the Louisiana extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

i. If a taxpayer requested reconsideration of a denied federal extension and the extension is subsequently approved, the taxpayer must attach all documents required by the IRS for approving the reconsideration request to their return in addition to a statement from the IRS or the taxpayer that the reconsidered extension request has been approved.

ii. If a taxpayer requested reconsideration of a denied federal extension and the extension request remains denied, the taxpayer must file their return without further delay and attach the IRS statement informing the taxpayer that their reconsidered extension request remains denied.

C. Filing Extension Does Not Extend Time to Pay Tax

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income and franchise taxes due must be prepaid on or before the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D), 612 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013), amended LR 49:

### §2505. Filing Extensions for Partnerships

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:
- a. the Department of Revenue's web site at [www.revenue.louisiana.gov/extensions](http://www.revenue.louisiana.gov/extensions);
  - b. tax preparation software; or
  - c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The

extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D), 1511 and 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), LR 48:1106 (April 2022), amended LR 49:

### **§2507. Fiduciary Income Tax Filing Extensions**

A. Pursuant to R.S. 47:103(D), the secretary may grant a reasonable extension of time to file a state income tax return, not to exceed six months from the date the return is due.

1. To obtain a filing extension for filing a fiduciary return, estates and trusts must make the request on or before the due date of the tax return.

2. For taxable periods beginning on or after January 1, 2019, an estate or trust must request a state filing extension by submitting an electronic application.

3. An electronic application may be submitted via:  
a. the Department of Revenue's web site;  
b. tax preparation software; or  
c. any other electronic method authorized by the secretary.

B. For taxable periods beginning on or after January 1, 2022, the secretary shall grant an automatic extension of time to file a state income tax return, not to exceed six months from the date the return is due, with no extension request required.

C. Filing extension does not extend time to pay tax.

1. A filing extension granted by the secretary only allows for an extension of time to file the tax return. The extension does not allow an extension of time to pay the tax due.

2. To avoid interest and penalty assessments, income taxes due must be prepaid on or before the original due date.

D. Failure to file by the extended due date shall result in the extension being null and void and shall result in delinquent filing penalties assessed from the original due date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:103(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:1810 (December 2019), amended LR 49:

### **Family Impact Statement**

The proposed amendment of LAC 61:III.2501, LAC 61:III.2503, LAC 61:III.2505, and LAC 61:III.2507, regarding income tax filing extensions, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.

5. The behavior and personal responsibility of children.

6. The ability of the family or a local government to perform this function.

### **Poverty Statement**

This proposed regulation will have no impact on poverty as described in R.S. 49:973.

### **Small Business Analysis**

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

### **Provider Impact Statement**

The proposed amendment will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m., Monday, November 28, 2022.

### **Public Hearing**

A public hearing will be held on Tuesday, November 29, 2022, at 2 p.m. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Income Tax Return Filing Extensions**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The purpose of this proposed rule amendment to LAC 61:III.2501, 2503, 2505 and 2507 is to implement Act 410 of the 2022 Regular Session relative to the extension filing of Louisiana income tax returns. Act 410 implements an automatic six-month extension for the filing of individual, fiduciary, and partnership income tax returns and provides an extension for corporation income tax returns if one was timely requested for federal purposes. It is worth noting that Act 410 only provides an extension for filing; the time to pay any taxes due is not extended beyond the original due date of the return. The proposed amendment provides the administrative requirements on what applies to the different types of income and what taxpayers must do, if anything, in order to receive the six-month extension provided for in Act 410. No material

impact to costs of state or local governmental units is expected as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Act 410 provides an automatic six-month extension for individual income, fiduciary income and partnership income taxpayers without any action required. Act 410 also provides a six-month extension to corporation income taxpayers who timely request an extension to file their federal income tax return. The state net revenue impact of the proposed rule changes for implementation of Act 410 is estimated to be an annual revenue loss of approximately \$1.9 million. This loss is the late filing penalties that would have otherwise been due between the return's original filing deadline and the return's extended due date under the Act. No material impact on the revenue collections of local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers will no longer be required to submit a separate request for a state filing extension therefore reducing the number of filings they need to perform. The savings could be material for larger accounting firms depending on the number of clients in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated.

Kevin J. Richard, CPA  
Secretary  
2210#019

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Treasury  
State Bond Commission**

Virtual Meetings  
(LAC 71:III.2501)

The State Bond Commission proposes to adopt LAC 71:III.2501-2507 as authorized by La. R.S. 42:29(E) regarding virtual meetings. In 2020, the Legislature authorized the State Bond Commission to hold virtual meetings on an experimental basis. In 2022, the Legislature removed the sunset provision; thus, allowing the State Bond Commission to continue to hold up to four meetings per year virtually. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed Rule provides the manner in which the public will be notified that the State Bond Commission will be holding a virtual meeting. The proposed Rule also provides for the various ways in which the public may submit comments either prior to the virtual meeting or during the virtual meeting. Lastly, the proposed Rule outlines the procedures that will be followed by the State Bond Commission during a virtual meeting.

**Title 71**

**TREASURY—PUBLIC FUNDS**

**Part III. Bond Commission—Debt Management**

**Chapter 25. Virtual Meetings**

**§2501. Definitions**

*Anchor Location*—shall be Conference Room 173 on the First Floor of the Capitol Annex Building or any other

physical location from which the meeting originates as provided in R.S. 42:29(F).

*Chairman*—shall mean the chairman of the State Bond Commission, or his designee.

*Quorum*—shall mean a majority of members of the State Bond Commission, including those present at either the anchor location or participating in the meeting via electronic means.

*Recording Secretary*—shall mean the member of the State Bond Commission staff responsible for recording the meeting.

*Virtual Meeting*—shall have the same meaning as “Meeting via electronic means” as provided in R.S. 42:17.1(D)(1).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

**§2503. Notifying the public of a virtual meeting**

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

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

B. The electronic link, instructions for joining the virtual meeting, and email address to submit comments, as provided in LAC 71:III.2503.A.2, 3 and 4, shall be placed on the State Bond Commission website once the agenda is posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

**§2505. Public comment prior to and during a virtual meeting**

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

1. a computer using computer video and audio;
2. a computer using computer video and phone audio;
3. a smartphone using video and audio;
4. a phone using audio only;
5. a smart device (iPad, tablet, etc.) using the device's video and audio;
6. a smart device (iPad, tablet, etc.) using the device's video and phone audio;
7. attend in person at anchor room.

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

1. the individual's name;
2. entity/company represented (if applicable);
3. title/position (if applicable);

4. agenda item for which he/she is providing comment.

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

1. by using an audio and/or video device at such time when the chairman calls for public comment on that agenda item;

2. by using the “chat” feature, or similar method of providing written comment, during the virtual meeting;

3. if attending the virtual meeting at the anchor location, by filling out a public comment card and providing it to the recording secretary. The recording secretary will then forward the public comment card to the chairman to read into the record when discussing that agenda item.

D. Subject to LAC 71:III.2507.C.3, all public comments, both those submitted prior to the virtual meeting or during the virtual meeting, will be acknowledged and read into the record at the appropriate time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

#### **§2507. Procedure during a virtual meeting**

A. Upon commencement of the meeting, all members of the public shall be muted. Once the meeting is called to order, the chairman shall state that this is a virtual meeting of the State Bond Commission, and shall provide the manner in which the public may submit or make comments during the meeting, including the code for members of the public to unmute themselves.

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

1. In order to participate in a virtual meeting via electronic means, a member of the State Bond Commission must participate via audio and video. As such, any member of the State Bond Commission participating via electronic means must be visually present throughout the meeting.

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

3. A member of the State Bond Commission who is physically present at the anchor location and visible through the anchor location’s camera shall satisfy the requirements of LAC 71:III.2507.B.1 for purposes of a quorum and participation.

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

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

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

3. notwithstanding LAC 71:III.2507.C.1. and 2., profanity and inappropriate language is prohibited and shall not be read into the record.

D. Prior to action on an agenda item, the chairman shall also ask if anyone from the public is present, either via electronic means or at the anchor location, and wishes to

speak on those agenda item(s). If anyone from the public wishes to speak, the chairman shall allow him/her reasonable time to do so.

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

F. To the extent possible, the State Bond Commission shall follow any and all procedures that it follows for its non-virtual meetings, including those procedures in LAC 71:III.103.

G. After the conclusion of a virtual meeting, a recording of the meeting shall be made available to the public via the State Bond Commission’s website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:29.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 49:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule is not anticipated to have an impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments to Cassie Berthelot, State Bond Commission, P.O. Box 44154, Baton Rouge, LA 70804. She is responsible for responding to inquiries regarding this proposed Rule.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Tuesday, November 29 at 9 a.m. in Room 173, First Floor

State Capitol Annex Building, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Lela Folse  
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Virtual Meetings**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The Office of the State Bond Commission has already incurred implementation costs as the technology infrastructure for virtual meetings was previously purchased. Ten (10) virtual meetings were conducted pursuant to the Emergency Declaration utilizing the infrastructure. While there is increased workload necessary due to the additional steps and redundancies in place for virtual meetings, there are no implementation costs as a result of the proposed rules as such has already been absorbed within existing resources. Periodic virtual meetings could potentially reduce expenses to local governments by negating the need for travel to a Commission meeting for an application being presented.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated effects on revenue collections of state or local governmental units as a result of the proposed rules.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimate costs to directly affected persons, small businesses, or non-governmental groups. Periodic virtual meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a Commission meeting for an application being presented.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment.

Lela Folse  
Director  
2210#017

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Medical Examiners**

Clinical Laboratory Personnel  
(LAC 46:XLV.Chapter 111)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 *et seq.*, and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (Board) by the Louisiana Medical Practice Act, R.S. 37:1270, the Board proposes to repeal its Rules in LAC 46:XLV.Chapter 111, governing the conduct of disciplinary proceedings involving clinical laboratory personnel, in conformity with the newly enacted

provisions in Act 653 of the 2022 Regular Session of the Legislature, repealing R.S. 37:1315(A)(7) and (B)(2), clarifying that such proceedings are conducted by the Board, not by the Clinical Laboratory Personnel Committee. The repeal will be effective upon final promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions**

**Subpart 5. Rules of Procedure**

**Chapter 111. Clinical Laboratory Personnel**

**§11101. Scope of Chapter**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:195 (March 1996), repealed LR 48:

**§11103. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:196 (March 1996), repealed LR 48:

**§11105. Investigation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:196 (March 1996), repealed LR 48:

**§11107. Disposition of Investigation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:196 (March 1996), repealed LR 48:

**§11109. Complaint**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:196 (March 1996), repealed LR 48:

**§11111. Notice of Hearing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:196 (March 1996), repealed LR 48:

**§11113. Response to Complaint; Notice of Representation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:197 (March 1996), repealed LR 48:

**§11115. Pleadings, Motions; Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:197 (March 1996), repealed LR 48:

#### **§11117. Prehearing Motions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:197 (March 1996), repealed LR 48:

#### **§11119. Motions for Continuance of Hearing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:197 (March 1996), repealed LR 48:

#### **§11121. Disposition of Prehearing Motions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:198 (March 1996), repealed LR 48:

#### **§11123. Subpoenas for Hearing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:198 (March 1996), repealed LR 48:

#### **§11125. Prehearing Conference**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:198 (March 1996), repealed LR 48:

#### **§11127. Conduct of Hearing; Record**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:198 (March 1996), repealed LR 48:

#### **§11129. Evidence**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:199 (March 1996), repealed LR 48:

#### **§11131. Informal Disposition**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:199 (March 1996), repealed LR 48:

#### **§11133. Recommended Decisions; Notice**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:199 (March 1996), repealed LR 48:

#### **§11135. Rehearings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:199 (March 1996), repealed LR 48:

#### **§11137. Effect of Recommended Decision; Appeal to Board**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:200 (March 1996), repealed LR 48:

#### **§11139. Appeal of Recommended Decision**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:200 (March 1996), repealed LR 48:

#### **§11141. Conduct of Appeal before Board**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:200 (March 1996), repealed LR 48:

#### **§11143. Decision by Board**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:200 (March 1996), repealed LR 48:

#### **§11145. Reconsideration on Appeal**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1311-1329 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:200 (March 1996), repealed LR 48:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

#### **Provider Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed

amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

#### Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., November 10, 2022.

#### Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on November 29, 2022 at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.,  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Clinical Laboratory Personnel

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 *et seq.*, and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules of procedure relative to Clinical Laboratory Personnel to repeal 46:XLV.Chapter 111 governing disciplinary proceedings, to conform to Act 653 of the 2022 Regular Session of the Louisiana Legislature, and conforming to practice previously approved by the Clinical Laboratory Personnel Committee and the board deferring to the board's handling of disciplinary proceedings relative to complaints and adjudications involving Clinical Laboratory Personnel. The repeal will be effective upon final promulgation.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 22 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendment will have any economic benefit to directly affected persons, small businesses, or non-governmental groups and/or have any material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on

receipts and/or income of licensees, small businesses, or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., M.D.  
Executive Director  
2210#067

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Medical Examiners

Complaints and Investigations  
(LAC 46:XLV.9703, 9707, and 9709)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 *et seq.*, and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend rule 9703 to define the "executive director" position and "sufficient cause"; to amend rule 9707B and 9709A to ensure that the language comports with the law, R.S. 37:1285.2 on the same topic; to amend rule 9709B3 to add a provision that ensures licensee-respondents will receive notice where the board elects to utilize prior complaints in investigation and adjudication proceedings; and to revise 9709D to eliminate unnecessary language. The proposed amendments are set forth below.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions Subpart 5. Rules of Procedure

#### Chapter 97. Complaints and Investigations

#### §9703. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

\* \* \*

*Executive Director*—a physician possessing qualifications specified by the board who serves as the chief executive officer of the agency.

\* \* \*

*Sufficient Cause*—information received by the board pursuant to R.S. 37:1285(A)(2) and Rule 9705 which indicates that a violation of the law or of a rule administered by the board may have occurred.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 46:339 (March 2020); amended LR 48: (2022).

#### §9707. Complaint Processing

A. ....

B. Upon delegation by the DOI, any staff member of the board, except the executive director, may act as the lead investigator on any complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016), amended LR 48:

#### **§9709. Preliminary Review**

A. A preliminary review shall be initiated to determine if information received by the board pursuant to R.S. 37:1285.2 and §9705 is jurisdictional and whether sufficient cause exists to warrant formal investigation only upon one or more of the following:

1. - 3. ....

B. A preliminary review is initiated upon the receipt, review and assignment of a case number at the direction of the DOI or the assigned investigator. During a preliminary review such action may be initiated and taken as deemed necessary or appropriate and additional information may be obtained to assist in the determination. As part of the preliminary review:

1. - 2. ....

3. the licensee may be provided the opportunity to respond to the complaint or provide related information; provided, at the time of the first communication from the board to a licensee regarding a complaint the licensee shall be provided:

a. ....

b. notice that the licensee may, at his own expense, retain legal counsel of his choice to represent his interest;

c. notice that past complaints and investigations may be utilized in all phases of the disciplinary process; and

d. such other information as may be deemed appropriate.

C. ....

D. Preliminary review of a complaint shall be completed as promptly as possible within 90 days of initiation unless extended by the board for satisfactory cause. However, this period shall not apply to information received from local, state or federal agencies or officials relative to on-going criminal, civil or administrative investigations or proceedings.

E. - F. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5) and 37:1285.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016), amended by the Department of Health, Board of Medical Examiners, LR 46:340 (March 2020); amended LR 48:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed

amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

#### **Provider Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### **Small Business Analysis**

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

#### **Public Comments**

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., November 10, 2022.

#### **Public Hearing**

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Tuesday, November 29, 2022 at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Complaints and Investigations**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 22 for the Louisiana State Board of Medical Examiners (LSBME) for the costs of publishing the notice of intent and proposed rule revision. Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

The proposed changes are to amend the LSBME's rules by amending rule 9703 to define the "Executive Director" position and "sufficient cause"; amending §§9707.B and 9709.A to ensure that the language comports with the law, R.S. 37:1285.2 on the same topic; amending §9709.B.3 to add a provision that ensures licensee-respondents will receive notice where the board elects to utilize prior complaints in investigation and

adjudication proceedings; and by revising §9709.D to eliminate unnecessary language.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendment will have any economic benefit to directly affected persons, small businesses, or non-governmental groups and/or have any

material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., M.D  
Executive Director  
2210#068

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

# Administrative Code Update

CUMULATIVE: JAN-SEP 2022

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	Page #				Month	Page #
4	V.1501,1502,1503,1504,1505,1506,1507,1508	Amended	Jun	1446	28	XXXIX.700	Adopted	July	1761
	V.1509,1510,1511	Amended	Jun	1446		XLIII.101,401,450,460,461,462,463,464,466	Amended	Jan.	035
	XXI.101,103,105,201,203,301,303,305,307	Adopted	June	1503		XLIII.905,1101	Amended	Jan.	035
	XXI.309,311,313,315,401,403,405,501,601	Adopted	June	1503		XLV.101,749,1301	Amended	Apr.	1088
	XXI.603,701,703,705,707,709	Adopted	June	1503		XLV.303,743,745	Amended	July	1757
7	III.131	Amended	July	1744	XLV.401,403,405	Amended	July	1756	
	III.901,903,905,907,909,911,913,915	Adopted	Feb.	296	XLV.501,503,505,507,509,511,513	Adopted	Apr.	1088	
	III.1303,1315,1319,1321,1327,1329,1335	Amended	July	1743	XLV.743,745	Amended	May	1274	
	III.1337,1341	Amended	July	1743	LXV.109	Adopted	Aug.	2087	
	V.1201,1203,1205,1207,1209,1211,1213	Adopted	Mar.	393	LXXIX.119	Amended	May	1273	
	V.1215,1217,1219,1221,1223,1225,1227	Adopted	Mar.	393	LXXIX.2109,2331	Amended	Jan.	034	
	V.1229,1231,1233	Adopted	Mar.	393	LXXIX.2109	Amended	Aug.	2098	
	XIII.1303	Repromulgated	Aug.	2083	LXXIX.2111	Amended	Jan.	037	
	XV.127	Amended	Apr.	993	CXV.337	Amended	May	1272	
	XXI.401,403,405,407,409,411,413,415,417	Adopted	Mar.	391	CXV.502,901,911,1103,1111,2305,2317	Amended	Jan	031	
	XXI.419,421,423,425	Adopted	Mar.	391	CXV.509	Adopted	July	1747	
	XXV.141	Amended	Apr.	994	CXV.1119,1151,1153,	Adopted	Apr.	1011	
	XXIX.117	Amended	Sep.	2287	CXV.1301,1302,1305,1307,1309,1311	Amended	Apr.	1011	
	XXXV.103,117	Amended	Apr.	995	CXV.1319	Adopted	Aug.	2095	
	XXXIX.907,909	Amended	Aug.	2084	CXV.2307	Amended	July	1747	
	XLIX.101,501,513,701,907,1101,1505,1507	Amended	Jan.	023	CXV.2318,2320,2363,2397,3703	Amended	Jan.	031	
	XLIX.512	Adopted	Jan.	023	CXV.2318,2319	Amended	Jan.	037	
	XLIX.1701,1711,2301,2303,2501,2705	Amended	Jan.	023	CXV.2318	Amended	Aug.	2097	
	XLIX.2901,2903	Amended	Jan.	023	CXV.2318,2319	Repromulgated	Apr.	1092	
	13	I.3901,3931	Amended	Mar.	403	CXXI.101,301,303,305,307,309,501,503,505	Adopted	July	1764
I.3915,3937,3999		Repealed	Mar.	403	CXXI.103,107,109,1105,1107,1109,1111,1113	Repealed	July	1764	
I.3945,3947,3949,3951,3953,3955,3957		Adopted	Mar.	403	CXXI.115,117,119,1121,1123,1125,1127,1129	Repealed	July	1764	
I.3959		Adopted	Mar.	403	CXXI.507,509,701,703,705,707,709,901,903	Adopted	July	1764	
		Adopted	Mar.	403	CXXI.905,907,909,1101,1103,1301,1303,1501	Adopted	July	1764	
19	VII.101,103,105,107,109,111	Amended	June	1469	CXXI.1503,1701,1703,1901,1903,2101,2103	Adopted	July	1764	
	VII.101,103,105,107,109,111	Amended	July	1917	CXXI.2301,2303,2501,2503,2701,2703,2901	Adopted	July	1764	
	VII.501,503,505,507,509,511,513,515,517	Adopted	June	1472	CXXI.2903,2905,2907	Adopted	July	1764	
	VII.501,503,505,507,509,511,513,515,517	Amended	July	1927	CXXXI.101,301,303,305,307,309,311,313	Amended	Mar.	414	
	VII.2901,2903,2905,2907,2909,2911,2913	Adopted	June	1490	CXXXI.309,323,325	Amended	July	1756	
	VII.2915,2917,2919	Adopted	June	1490	CXXXI.315,317,319,321,323,325,327,329	Amended	Mar.	414	
	VII.7601,7603,7605,7607,7609,7611,7613	Adopted	June	1479	CXXXI.201,203,204,205,207,209,211,213,215	Repealed	Apr.	1014	
	VII.7601,7603,7605,7607,7609,7611,7613	Amended	July	1920	CXXXI.217,219,221,223,225,227,229,231,233	Repealed	Apr.	1014	
	VII.7615,7617	Amended	July	1920	CXXXI.235,237,239,241,243,245,314,326,328	Repealed	Apr.	1014	
	VII.7615,7617	Adopted	June	1479	CXXXI.303,1349,1505,1543	Amended	Aug.	2098	
	VII.8901,8903,8905,8907,8909,8911,8913	Adopted	June	1486	CXXXI.344,348,349,350,351,361,346,401,403	Repealed	Apr.	1014	
	VII.8915	Adopted	June	1486	CXXXI.405,407,408,409,410,411,413,414,415	Repealed	Apr.	1014	
	VII.9101,9103,9105,9107,9109,9111,9115	Adopted	June	1460	CXXXI.417,421,504,506, 601,603,604,605,607	Repealed	Apr.	1014	
	VII.9101,9103,9105,9107,9109,9111,9113	Adopted	July	1904	CXXXI.507	Amended	May	1273	
	VII.9115,9117	Amended	July	1904	CXXXI.553	Amended	Aug.	2098	
	VII.9117	Adopted	June	1460	CXXXI.609,611,613,615,621,623,625,627,630	Repealed	Apr.	1014	
	22	I.207	Amended	Aug.	2150	CXXXI.631,633,641,643,645,647,648,649,651	Repealed	Apr.	1014
I.315		Amended	Aug.	2157	CXXXI.655,655,659,661,663,665,666,667,668	Repealed	Apr.	1014	
I.331		Amended	May	1291	CXXXI.669,671,673,675,706,708,710,712,741	Repealed	Apr.	1014	
I.1101		Amended	Aug.	2153	CXXXI.743,745,747,749,751,753,755,781,783	Repealed	Apr.	1014	
III.101,5101,5301		Amended	June	1503	CXXXI.785,787,801,803,1001,1003,1201,1203	Repealed	Apr.	1014	
III.4733		Adopted	May	1275	CXXXI.1205,1207,1209,1211,1213,1215,1219	Repealed	Apr.	1014	
III.4750,4761		Amended	May	1275	CXXXI.101,301,303,305,307,309,311,313	Repromulgated	Apr.	1014	
III.4761		Amended	Feb.	298	CXXXI.101,301,303,305,307,309,311,313	Repromulgated	Apr.	1014	
XIII.503		Amended	Jan.	039	CXXXI.315,317,319,321,323,325,327,329	Repromulgated	Apr.	1014	
					CXXXI.331,333,335,337,339,341,343,345	Repromulgated	Apr.	1014	
					CXXXI.347,501,503,505,507,509,511,513,515	Repromulgated	Apr.	1014	
					CXXXI.517,519,521,523,525,527,529,531,533	Repromulgated	Apr.	1014	
					CXXXI.535,537,539,541,543,545,547,549,551	Repromulgated	Apr.	1014	
				CXXXI.553,555,557, 701,703,705,707,709,711	Repromulgated	Apr.	1014		
				CXXXI.713,715,717, 719,721,723,725,1101	Repromulgated	Apr.	1014		
25	IX.500	Amended	Jan.	028	CXXXI.1103,1105,1107,1109,1301,1303,1305	Repromulgated	Apr.	1014	
					CXXXI.1307,1309,1311,1313,1315,1317,1321	Repromulgated	Apr.	1014	
28	I.103,301,307,309,311,501,503,1101,1105	Amended	Mar.	410	CXXXI.1323,1325,1327,1329,1331,1333,1335	Repromulgated	Apr.	1014	
	I.503	Amended	Aug.	2085	CXXXI.1337,1339,1341,1343,1345,1347,1349	Repromulgated	Apr.	1014	
	I.505	Adopted	Aug.	2085	CXXXI.1351,1353,1355,1357,1359,1361,1363	Repromulgated	Apr.	1014	
	I.1313,1315	Adopted	Aug.	2087	CXXXI.1360	Adopted	Aug.	2098	
	III.2301	Amended	Sep.	2287	CXXXI.1365,1367,1369,1371,1501,1503,1505	Repromulgated	Apr.	1014	
	IV.103,301,509,701,703,1203,1403,1501	Amended	Mar.	479	CXXXI.1507,1509,1511,1513,1515,1517,1519	Repromulgated	Apr.	1014	
	IV.703	Amended	July	1761	CXXXI.1521,1523,1525,1527,1529,1531,1533	Repromulgated	Apr.	1014	
	IV.1701,1807,1901,1903	Amended	Mar.	479	CXXXI.1535,1537,1539,1541,1543,1545,1547	Repromulgated	Apr.	1014	
	IV.2201,2203,2205,2207,2209,2211,2213	Adopted	Apr.	1093	CXXXI.1701,1703,2101,2103,2105,2301,2303	Repromulgated	Apr.	1014	
	XI.305	Amended	Apr.	997	CXXXI.2305,2307,2309,2311,2313,2315,2317	Repromulgated	Apr.	1014	
	XI.103	Adopted	Aug.	2089	CXXXI.2319,2501,2503	Repromulgated	Apr.	1014	
	XI.801	Amended	Mar.	412	CXXXI.331,333,335,337,339,341,343,345	Amended	Mar.	414	
	XI.5303,5305,5309,5311,5312	Amended	July	1744	CXXXI.347,501,503,505,511,513,515,517	Amended	Mar.	414	
	XI.5701,6803	Amended	Jan.	037	CXXXI.507,521,1369,1371	Adopted	Mar.	414	
	XI.6913	Amended	Apr.	997	CXXXI.519,523,525,527,529,531,533,535	Amended	Mar.	414	
	XI.9901	Adopted	May	1269	CXXXI.525,536	Amended	July	1749	
	XXXIX.501	Amended	Jan.	035	CXXXI.537,539,541,543,545,547,549,551	Amended	Mar.	414	
	XXXIX.503,701	Amended	July	1761	CXXXI.553,555,557,701,703,705,707,709	Amended	Mar.	414	
					CXXXI.711,713,715,717,719,721,723,725	Amended	Mar.	414	

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28	CXXXI.901,903,904,905,906,907,908,909	Repealed	July	1749	43	XVII.3329,3333,3335,3337	Amended	Sept.	2300		
	CXXXI.910,913	Repealed	July	1749		XVII.3701,3703,3705,3707,3709,3711,3713	Adopted	Sept.	2317		
	CXXXI.1101,1103,1105,1107,1109,1301	Amended	Mar.	414		XVII.3715,3717,3719,3721,3723,3725,3727	Adopted	Sept.	2317		
	CXXXI.1305,1307,1309,1311,1313,1315	Amended	Mar.	414		XVII.3729,3731,3733,3735,3737,3739	Adopted	Sept.	2317		
	CXXXI.1317,1321,1323,1325,1327,1329	Amended	Mar.	414		46	III.1001,1101,1120,1123,1125,1127	Adopted	Mar.	490	
	CXXXI.1331,1333,1335,1337,1339,1341	Amended	Mar.	414			III.1102,1103,1109,1113,1117,1119	Amended	Mar.	490	
	CXXXI.1343,1345,1347,1349,1351,1354	Amended	Mar.	414			III.1706,2501	Repealed	Mar.	490	
	CXXXI.1355,1357,1359,1361,1363,1365	Amended	Mar.	414			XXXIII.120,306,419	Amended	Feb.	298	
	CXXXI.1367,1501,1503,1505,1507,1509	Amended	Mar.	414			XXXIII.322,1607	Amended	Sept.	2292	
	CXXXI.1511,1513,1515,1517,1519,1521	Amended	Mar.	414			XL.113,115,121,123,139,305	Amended	Sept.	2288	
	CXXXI.1523,1525,1527,1529,1531,1533	Amended	Mar.	414			XLI.321	Adopted	Sept.	2291	
	CXXXI.1535,1537,1539,1541,1543,1545	Amended	Mar.	414			XLVI.144	Adopted	Jan.	074	
	CXXXI.1547,1701,1703,2101,2103,2105	Amended	Mar.	414			LI.509	Adopted	Feb.	299	
	CXXXI.1901,1903,1905,1907,1909,1911	Adopted	July	1749			LIII.115	Adopted	July	1901	
	CXXXI.1913,1915,1917,1919	Adopted	July	1749		LIII.521,709,907,1103,2701,2705	Amended	Mar.	494		
	CXXXI.2301,2303,2305,2307,2309,2311	Amended	Mar.	414		LIII.711,913	Adopted	Mar.	494		
	CXXXI.2313,2315,2317,2319,2501,2503	Amended	Mar.	414		LIII.1107	Amended	Aug.	2105		
	CXXXIX.2715,2717,2719,4301,4303,4305	Adopted	Apr.	998		LIII.2440,2443,2453,2457	Amended	July	1902		
	CXXXIX.4003	Amended	May	1269		LIII.2447,2449,2451,2457	Amended	Aug.	2102		
	CXXXIX.4307,4309,4311,4313,4315,4317	Adopted	Apr.	998		LIII.3001	Repealed	Aug.	2104		
	CXXXIX.4319,4321,4323	Adopted	Apr.	998		LIII.3005	Amended	Aug.	2104		
	CXLVII.105,301,323	Amended	Mar.	413		LV.1001,1002	Amended	June	1597		
	CXLVII.301	Amended	Apr.	1005		LXI.903,909,1107,2101,2103,2305,2503,3105	Amended	Sept.	2362		
	CXLVII.323,905	Amended	Jan.	028		LXI.3109,3121	Amended	Sept.	2362		
	CLIII.101,303,1305	Amended	Jan.	029		48	I.4273	Amended	Aug.	2105	
	CLXI.1723,1815	Amended	Jan.	030			I.4401,4431	Amended	June	1540	
	CLXV.103,310,509,515,519	Amended	Jan.	030			I.4541	Amended	Aug.	2106	
	CLXV.103,701,703,705,707,709,901,902,903	Amended	Apr.	1006			I.5303,5309,5397	Amended	Feb.	301	
	CLXV.509,515	Amended	May	1269			I.5415	Adopted	Feb.	301	
	CLXV.1101,1103,1105,1107,1109	Amended	Apr.	1006			I.5601,5603,5605,5606,5607,5615,5643,5645	Amended	May	1276	
	CLXVII.309,311	Amended	Aug.	2094			I.5669,5673,5677,5691,5695,5697,5698,5699	Amended	May	1276	
	CLXVII.310	Adopted	Aug.	2094			I.5670,5684,5692,5712	Adopted	May	1276	
	CLXVII.503,509	Amended	Apr.	1010			I.5701,5703,5705,5707,5709,5711,5723,5725	Amended	May	1276	
	CLXVII.1101	Adopted	Aug.	2091			I.5727,5729	Amended	May	1276	
	CLXXII.101,103,104,105,107,109,111	Repealed	July	1748			I.6701,6703,6705,6707,6709,6711,6713,6715	Adopted	Aug.	2106	
	33	I.803,805,807	Amended	July			1790	I.6717,6719,6721,6723,6725,6727,6729,6735	Adopted	Aug.	2106
		I.4707	Amended	June			1499	I.6737,6743,6745,6747,6749,6751,6757,6759	Adopted	Aug.	2106
		III.223	Amended	June			1499	I.6761,6767,6769,6771,6773,6774,6775,6779	Adopted	Aug.	2106
		III.505,507,2160,3003,5116,5122,5311,5901	Amended	Mar.			487	I.6781,6783,6785,6787,6789,6793,6795	Adopted	Aug.	2106
		VII.1501,1503,1505,150535	Amended	June			1499	L.6882	Amended	Mar.	497
		XV.1403,1404,1407,1408,1409,1411,1412	Amended	July			1805	I.9336	Adopted	June	1580
		XV.1410,1421	Adopted	July			1805	I.9391	Amended	June	1580
		XV.1416,1417,1418,1420,1499	Amended	July			1805	I.9573	Adopted	Mar.	498
XV.2599		Amended	June	1499	I.9767		Amended	May	1289		
IX.1113		Amended	June	1497	I.9101,9103,9105,9107,9109,9111,9113,9115		Amended	July	1826		
35		VII.8902	Adopted	Sep.	2291		I.9102,9110,9116,9118,9120	Adopted	July	1826	
		XI.9911,9913,	Amended	Sep.	2288		I.9117,9119,9121,9123,9125,9127,9129,9131	Amended	July	1826	
		XI.9914,9949	Adopted	Sep.	2288	I.12529	Amended	Feb.	302		
		XVII.13101,13103,13105,13107,13109,13111	Adopted	July	1810	V.6303	Amended	Mar.	501		
		XVII.13113,13115,13117,13119,13121,13123	Adopted	July	1810	49	I.501,517,519,523,525,527,531,533	Amended	May	1290	
	XVII.13125,13127,13129,13131,13133,13135	Adopted	July	1810	I.501		Repromulgated	June	1583		
	XVII.13137,13139,13141,13143,13145,13147	Adopted	July	1810	I.529		Adopted	May	1290		
	XVII.13149,13151	Adopted	July	1810	50		I.305	Amended	Sept.	2293	
	37	XIII.133,135	Amended	Aug.			2135	I.501,503	Amended	July	1825
		XIII.10701,10703,10705,10707,10709,10711	Amended	Sep.			2296	I.505	Adopted	July	1825
XIII.10713,10717		Amended	Sep.	2296			II.10154,10156	Amended	Aug.	2130	
XIII.14101,14111,14115,14117		Amendment	Sep.	2298			II.20003	Amended	Feb.	303	
XIII.16101		Amended	Sep.	2299			III.2315,2327	Amended	Mar.	499	
XIII.18101,18103,18105,18107,18109,18111		Adopted	Apr.	1104			III.2330	Adopted	Mar.	499	
XIII.18113,18115,18117,18119		Adopted	Apr.	1104		V.5301,5501,5701,5901,6101,6915,7115	Adopted	July	1842		
XIII.18301,18303,18305,18307,18309,18311		Adopted	June	1583		V.5313,5513,5713,6115	Amended	July	1842		
XIII.18313,18315,18317		Adopted	June	1583		VII.32901	Amended	June	1581		
XIII.18501,18503,18505,18507,18509,18511		Adopted	Sep.	2299	VII.32904	Amended	Aug.	2129			
40	I.2301,2303,2307,2309,2313	Amended	Mar.	512	VII.32915	Amended	Sept.	2294			
	42	III.102,104,105,107,120,2737	Amended	Jan.	045	IX.15113	Amended	Apr.	1100		
		III.103,108	Amended	Sept.	2359	XII.101,151,169,177,319,335,1905	Amended	Apr.	1101		
		III.109	Adopted	Sept.	2359	XII.401,403,405,407,409,411	Adopted	Apr.	1101		
		III.301,303,304	Amended	July	1857	XIII.104	Adopted	Sept.	2293		
		VI.101,103,105,107,301,303,305,307,309,311	Adopted	Jan.	045	XIII.10301	Amended	Sept.	2293		
		VI.103,501,503,505,509,517,707	Amended	July	1857	XV.3503,4309	Amended	Sept.	2294		
		VI.313,315,317,501,503,505,507,509,511,513	Adopted	Jan.	045	XV.14101,14103,14105,14107,14109,14113	Repealed	Aug.	2131		
		VI.515,517,519,521,523,525,527,529,701,703	Adopted	Jan.	045	XV.14115,14117	Repealed	Aug.	2131		
		VI.705,707,709,901,903,905,907,909,1101	Adopted	Jan.	045	XV.16303	Amended	Mar.	499		
VI.1103,1115,1301,1303		Adopted	Jan.	045	XXI.5301	Amended	June	1574			
43	XVII.301,303,305,307,309,311,313,315,317	Amended	Sep.	2345	XXI.5303	Adopted	June	1574			
	XVII.319,321,323,325,327,329,331,333,337	Amended	Sep.	2345	XXI.5501,5503,5505,5701,5703,5705,5707	Amended	June	1574			
	XVII.335	Repromulgated	Sep.	2345	XXI.5709,5713,5715,5717,5719,5721,5901	Amended	June	1574			
	XVII.3301,3303,3305,3307,3309,3311,3313	Amended	Sep.	2300	XXI.5903,6101	Amended	June	1574			
	XVII.3315,3317,3319,3321,3323,3325,3327	Amended	Sep.	2300	XXI.6101	Amended	Jan.	043			
	33	I.803,805,807	Amended	July	1790	XXI.11105,11301,11303,11501,11529,12101	Amended	June	1543		
		I.4707	Amended	June	1499	XXI.12301	Amended	June	1543		
		III.223	Amended	June	1499	XXI.12101	Amended	Jan.	040		
		III.505,507,2160,3003,5116,5122,5311,5901	Amended	Mar.	487	43	XVII.3329,3333,3335,3337	Amended	Sept.	2300	
		VII.1501,1503,1505,150535	Amended	June	1499		XVII.3701,3703,3705,3707,3709,3711,3713	Adopted	Sept.	2317	
XV.1403,1404,1407,1408,1409,1411,1412		Amended	July	1805	XVII.3715,3717,3719,3721,3723,3725,3727		Adopted	Sept.	2317		
XV.1410,1421		Adopted	July	1805	XVII.3729,3731,3733,3735,3737,3739		Adopted	Sept.	2317		
XV.1416,1417,1418,1420,1499		Amended	July	1805	III.1001,1101,1120,1123,1125,1127		Adopted	Mar.	490		
XV.2599		Amended	June	1499	III.1102,1103,1109,1113,1117,1119		Amended	Mar.	490		
IX.1113		Amended	June	1497	III.1706,2501		Repealed	Mar.	490		
35	VII.8902	Adopted	Sep.	2291	XXXIII.120,306,419		Amended	Feb.	298		
	XI.9911,9913,	Amended	Sep.	2288	XXXIII.322,1607		Amended	Sept.	2292		
	XI.9914,9949	Adopted	Sep.	2288	XL.113,115,121,123,139,305		Amended	Sept.	2288		
	XVII.13101,13103,13105,13107,13109,13111	Adopted	July	1810	XLI.321	Adopted	Sept.	2291			
	XVII.13113,13115,13117,13119,13121,13123	Adopted	July	1810	XLVI.144	Adopted	Jan.	074			
	XVII.13125,13127,13129,13131,13133,13135	Adopted	July	1810	LI.509	Adopted	Feb.	299			
	XVII.13137,13139,13141,13143,13145,13147	Adopted	July	1810	LIII.115	Adopted	July	1901			
	XVII.13149,13151	Adopted	July	1810	LIII.521,709,907,1103,2701,2705	Amended	Mar.	494			
	37	XIII.133,135	Amended	Aug.	2135	LIII.711,913	Adopted	Mar.	494		
		XIII.10701,10703,10705,10707,10709,10711	Amended	Sep.	2296	LIII.1107	Amended	Aug.	2105		
XIII.10713,10717		Amended	Sep.	2296	LIII.2440,2443,2453,2457	Amended	July	1902			
XIII.14101,14111,14115,14117		Amendment	Sep.	2298	LIII.2447,2449,2451,2457	Amended	Aug.	2102			
XIII.16101		Amended	Sep.	2299	LIII.3001	Repealed	Aug.	2104			
XIII.18101,18103,18105,18107,18109,18111		Adopted	Apr.	1104	LIII.3005	Amended	Aug.	2104			
XIII.18113,18115,18117,18119		Adopted	Apr.	1104	LV.1001,1002	Amended	June	1597			
XIII.18301,18303,18305,18307,18309,18311		Adopted	June	1583	LXI.903,909,1107,2101,2103,2305,2503,3105	Amended	Sept.	2362			
XIII.18313,18315,18317		Adopted	June	1583	LXI.3109,3121	Amended	Sept.	2362			
XIII.18501,18503,18505,18507,18509,18511		Adopted	Sep.	2299	I.4273	Amended	Aug.	2105			
40	I.2301,2303,2307,2309,2313	Amended	Mar.	512	I.4401,4431	Amended	June	1540			
	42	III.102,104,105,107,120,2737	Amended	Jan.	045	I.4541	Amended	Aug.	2106		
		III.103,108	Amended	Sept.	2359						

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50	XXI.13701,13702,13703,13704,13705,13706	Amended	June	1545	58	XXV.220,301,401,501,503,505,601,605,701	Adopted	Sep.	2366		
	XXI.13707,13901,13902,13903,13905,13907	Amended	June	1545		XXV.705,710,801,901,1001,1003,1005,1101	Adopted	Sep.	2366		
	XXI.13909,13911,13913,13915,13917,13919	Amended	June	1545		XXV.1201,1301,1401,1403,1501	Adopted	Sep.	2366		
	XXI.13921,13923,13925,13927,13929,13931	Amended	June	1545		61	I.103	Amended	Aug.	2160	
	XXI.13935,13937,14101,14202,14301	Amended	June	1545			I.1304,1305,1520	Amended	Mar.	507	
	XXI.13939,13941	Adopted	June	1545			I.1310,1501	Amended	Aug.	2161	
	XXI.14301	Amended	Jan.	041			I.1515	Amended	May	1294	
	XXI.16101,16103,16104	Amended	June	1558			I.1525	Amended	Mar.	503	
	XXI.16105	Repromulgated	June	1558			I.1921	Adopted	Mar.	504	
	XXI.16106,16109,16301,16303,16305,16307	Amended	June	1558			I.4427	Adopted	Mar.	506	
	XXI.16309,16311,16313,16317,16319,16321	Amended	June	1558	I.6101,6103,6105,6107,6109,6119		Amended	June	1494		
	XXI.16323,16325,16327,16329,16333,16335	Amended	June	1558	I.6101,6103,6105,6107,6109,6119		Amended	July	1914		
	XXI.16337,16339,16341,16343,16345,16501	Amended	June	1558	I.6111,6115,6117,6121		Repealed	June	1494		
	XXI.16701,16703,16901	Amended	June	1558	I.6111,6115,6117,6121		Repealed	July	1914		
	XXI.16903	Amended	Jan.	042	I.6763,6765,6767,6768		Amended	Mar.	406		
	XXI.30101,30103,30105,30107,30109,30301	Repealed	Apr.	1098	I.6991,6992,6993,6994,6997		Amended	Mar.	407		
	XXI.30303,30501,30503,30701,30703,30705	Repealed	Apr.	1098	I.6995,6996,6998		Repealed	Mar.	407		
	XXI.30707,30901,30903,30905,30907	Repealed	Apr.	1098	III.1507,2505		Amended	Apr.	1106		
	XXIX.107	Amended	June	1582	III.1527		Amended	Mar.	507		
	XXXIII.6307	Amended	Apr.	1098	III.2905		Adopted	Sep.	2360		
	51	II.701	Amended	Sep.	2295	V.100,111,113,117,118,121,123,203,213,301	Amended	June	1516		
		IX.101,105,107,109,111,113,115,123,125,127	Amended	July	1844	V.303,304,307,703,903,907,1103,1307,1503	Amended	June	1516		
		IX.101,103,105,107,109,111,113,115,123,125	Repealed	Aug.	2132	V.2501,2503,3101, 3103,3105,3106,3107,3501	Amended	June	1516		
		IX.127,129,131,133,135,139,141,143,145,147	Repealed	Aug.	2132	V.3102	Adopted	June	1516		
		IX.149,303,311,313,317,323,329,330,331,333	Repealed	Aug.	2132	67	III.1953,1987, 5571	Amended	June	1459	
		IX.337,339	Repealed	Aug.	2132		VII.101,103,107,109,110,115,117,207,213	Amended	Feb.	304	
		IX. 343,501,503,505,507,509	Repromulgated	Aug.	2132		VII.109	Repromulgated	Mar.	518	
IX.129,131,133,135,139,141,143,145,147,149		Amended	July	1844	VII.219,223,505,507,1501,1503,1505,1713		Amended	Feb.	304		
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IX.313,317,323,329,331,333,337,343		Amended	July	1844	70		II.1509	Amended	Aug.	2189	
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52		I.1703	Amended	July				1904	III.111,113	Adopted	June
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	XXV.101,105,108,201,203,205,207,210,215	Adopted	Sep.	2366	XIX.101,103,111,113,115,117	Amended	July	1863			
					XIX.111	Amended	Mar.	511			

# Potpourri

## POTPOURRI

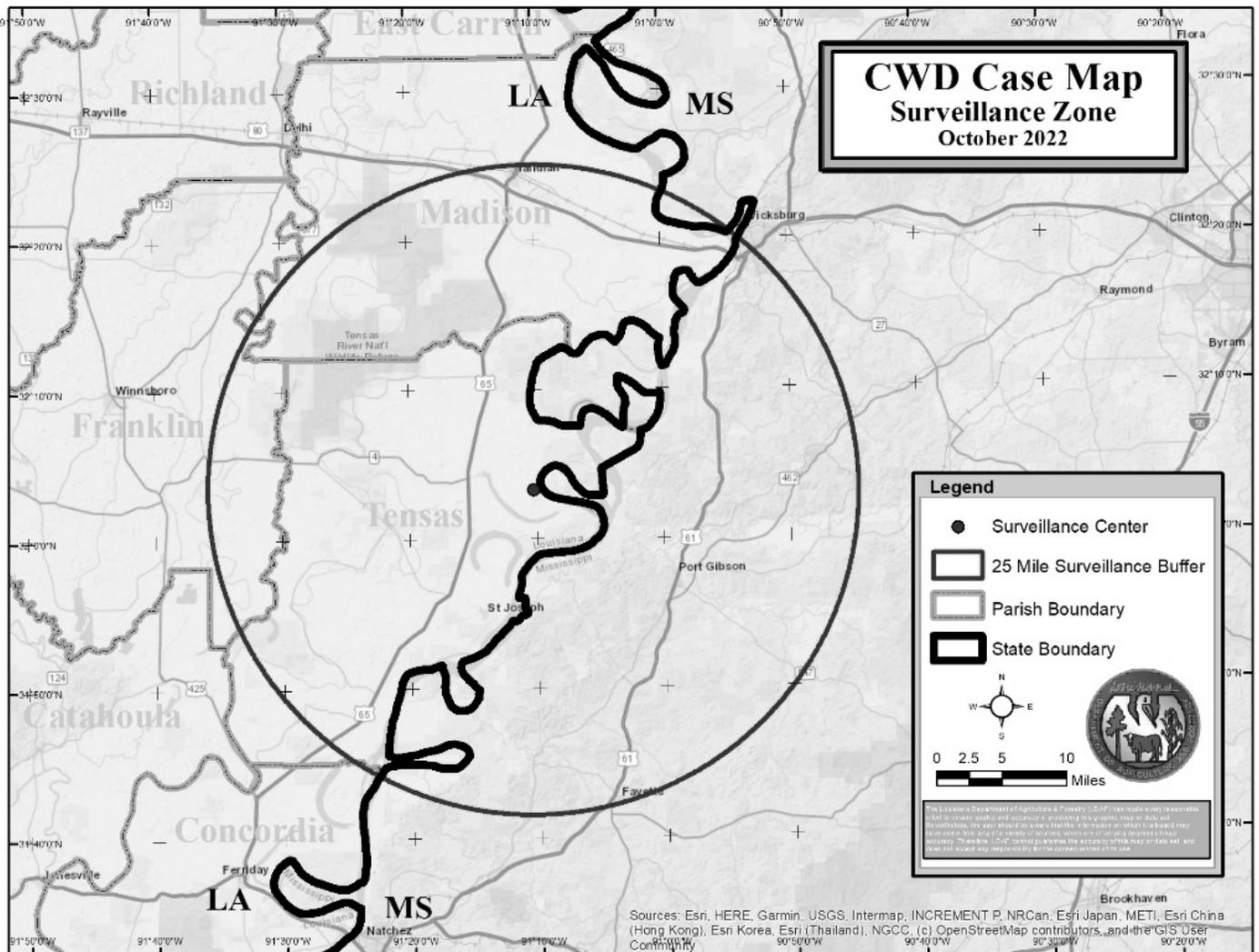
Department of Agriculture and Forestry  
Office of Animal Health

Alternative Livestock—Chronic Wasting Disease  
Surveillance Zone Notification

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3101, and in consideration of a confirmed case of Chronic Wasting Disease in a wild cervid within the state of Louisiana, the Commissioner of Agriculture and Forestry has declared an emergency to exist and has therefore

adopted by emergency process the regulations set forth in LAC 7:XXI.1705, 1727-1737, relative to chronic wasting disease (“CWD”) for alternative livestock facilities. This Emergency Rule is published in the October 2022 edition of the *Louisiana Register*.

In accordance with the aforementioned emergency rules and in light of the confirmed case of CWD, the Louisiana Department of Agriculture and Forestry, Office of Animal Health, hereby gives notice that it has established a surveillance zone for Louisiana licensed alternative livestock facilities 25 miles surrounding the CWD index case, in accordance with LAC 7:XXI.1727(A), as shown on the map below.



Mike Strain, DVM  
Commissioner

2210#069

**POTPOURRI**

**Office of the Governor  
Division of Administration  
Office of Broadband Development and Connectivity**

Mapping Areas for Broadband Service  
(LAC 4:XXII.Chapters 1-7)

In accordance with Act 760 of the 2022 Regular Session of the Louisiana Legislature, the Office of Broadband Development and Connectivity (the Office) submits the following Potpourri Notice. The Office is constructing a statewide parish by parish broadband map of served and unserved locations based on the Federal Communications Commission’s (FCC) Broadband Map.

To submit public comment on the promulgation of proposed rules, any interested party may email the Office at [connect@la.gov](mailto:connect@la.gov) with the subject line “Public Comment—Mapping Areas for Broadband Service”. The deadline for receipt of all written comments is 4:30 p.m. on Tuesday, November 1, 2022.

Veneeth Iyengar  
Executive Director

2210#002

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