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Executive Orders

EXECUTIVE ORDER JML 25-87

State of Emergency
City of Tallulah Water System

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. 25-018;

WHEREAS, Executive Order No. 25-018 has been renewed and extended every thirty (30) days through JML 25-078, which is in effect through Wednesday, August 6, 2025;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

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

WHEREAS, a declaration of emergency activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, the City of Tallulah has approximately 8,601 persons that depend on the Tallulah Water System;

WHEREAS, the Louisiana Department of Health has determined that the Tallulah Water System is continuously at risk of failure and unable to provide safe and accessible water to the residents of Tallulah on a consistent basis;

WHEREAS, the failure of the Tallulah Water System would impact the health and safety of the citizens of the City of Tallulah;

WHEREAS, the failure of the Tallulah Water System would greatly impact the operability and sustainability of critical infrastructure within the City;

WHEREAS, the State of Louisiana desires to avoid the failure of the Tallulah Water System and to protect the city's citizens and critical infrastructure;

WHEREAS, there is a need to continue Executive Order Number JML 25-078 because the designated certified operator is still working to repair the Tallulah Water System in order to provide safe and accessible water to the residents of Tallulah on a consistent basis.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 *et seq.*, and more specifically, La. R.S. 29:724, a state of emergency is hereby declared to exist within the City of Tallulah in the Parish of Madison.

Section 2: The Director of GOHSEP and the Louisiana Department of Health are hereby authorized to undertake any activity authorized by law deemed appropriate in response to this declaration;

Section 3: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

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

Section 5: This Order is effective Wednesday, August 6, 2025, and shall continue in effect until Friday, September 5, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 6th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#074

EXECUTIVE ORDER JML 25-88

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that

preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-080, which is in effect through Sunday, August 10, 2025;

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

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

WHEREAS, it is necessary for the State to continue to work cooperatively to mitigate any damages, current or future from cybersecurity breaches and to address cybersecurity vulnerabilities in current systems;

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

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

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

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

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

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and

confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

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

Section 8: This Order is effective upon signature and shall continue in effect from Friday, August 8, 2025 to Sunday, September 7, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 8th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#075

EXECUTIVE ORDER JML 25-89

Flags at Half-Staff
Speaker of the House Joe Reece Salter

WHEREAS, former Louisiana legislator and former Speaker of the Louisiana House of Representatives, Joe Reece Salter, passed away on August 16, 2025;

WHEREAS, his contributions to the state extended beyond the legislature to his deep commitment to education and community service;

WHEREAS, he was born on August 13, 1943, in Many, Louisiana, and grew up in Redland;

WHEREAS, he was married to Bettye Salter for 60 years, and they had two children, Brantley and Mandy, as well as four grandchildren, Hannah, Haylee, Tyler, and Riley, and two great grandchildren, Kendall and Axel;

WHEREAS, he served as a deacon and Sunday School teacher at the First Baptist Church in Florien;

WHEREAS, he graduated from Northwestern State University, where he was a member of the Blue Key Society and Phi Kappa Phi;

WHEREAS, he served as an educator in Sabine Parish and Vernon Parish. He became principal at Florien High School for 11 years, then assistant superintendent of the Sabine Parish School System for 17 years;

WHEREAS, he served as President of the Louisiana High School Athletic Association for four consecutive terms;

WHEREAS, he served in the Legislature with honor and distinction from 1986 until 2008;

WHEREAS, while in the Legislature, he served as Chairman of the House Legislative Bureau and Rural Legislative Task Force, member of the Special Committee on Louisiana Homeland Security, member of the House Education Committee, and member of numerous other committees. In 2003, he was elected as Speaker of the House, and served as leader of the Louisiana House of Representatives, signifying a broad influence over the legislative branch and the direction of Louisiana;

WHEREAS, as a legislator, he received numerous awards, including being named a three-time recipient of the Louisiana Federation of Teachers, Legislative Golden Apple Award; being named multiple times to the Louisiana Association of Educators Legislative Honor Roll; and receiving recognition from a wide-ranging group of organizations, including but not limited to the Council on Aging, Fleur de Lis Health Care, Louisiana Public Broadcasting, and the Louisiana Association of School Executives;

WHEREAS, he was inducted into the Northwestern State University's Long Purple Line, Hall of Distinguished Educators at Northwestern State University, Sabine Parish Hall of Fame, and the Louisiana Political Museum and Hall of Fame;

WHEREAS, after leaving the Legislature, he continued to serve our state by working with the State Department of Education as Director of Government Affairs, and he later became the Chief of Staff for the Louisiana Secretary of State;

WHEREAS, he also served for many years as a board member of the University of Louisiana System;

WHEREAS, upon leaving employment with the State of Louisiana, he had 59 years of public service to our state and its people;

WHEREAS, he was known for his easy-going personality, being friendly, professional, and even-keeled to all who knew him;

WHEREAS, his ability to connect with individuals from all walks of life was a testament to his unwavering compassion and professionalism, qualities that endeared him to colleagues, constituents, and students alike;

WHEREAS, he touched countless lives with his perseverance, wisdom, and kindness, and he leaves behind a legacy of service and dedication to all who knew him;

WHEREAS, he is survived by his wife, Bettye Lilly; two children, Amanda Marye Gibbs (Billy) of Florien and Brantley Reece Salter (Tammy) of Baton Rouge; four grandchildren: Hannah Gibbs Fontenot (Gage), Haylee Salter, Tyler Gibbs and Riley Salter and two great grandchildren: Kendall Fontenot and Axel Fontenot. He was preceded in death by his brother, Lamar Salter, and parents J. D. and Loucille Salter;

WHEREAS, Louisiana owes a debt of gratitude to his many outstanding contributions to our state.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by

the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: As an expression of respect and to honor former speaker Joe Salter, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on August 22, 2025, and on August 24, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, August 24, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 21st day of August 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#076

EXECUTIVE ORDER JML 25-90

Flags at Half-Staff
Sergeant Caleb Michael Eisworth

WHEREAS, on August 10, 2025, Sergeant Caleb Michael Eisworth tragically lost his life after being injured on his police motorcycle in June;

WHEREAS, he was a native of Greenwell Springs, born on November 27, 1980 to Dennis and Stephanie Eisworth;

WHEREAS, he graduated Broadmoor High School in 1998;

WHEREAS, he joined the Baton Rouge Police Department in 2002 and graduated near the top of his class in the 66th Basic Training Academy;

WHEREAS, he discovered his true calling in the Motorcycle Division, which he joined in 2008;

WHEREAS, he was a highly decorated and respected officer, having earned several awards recognitions for his work, including earning his Wheel and Wing insignia and the title MotorMan;

WHEREAS, he earned the highest honor from the Baton Rouge Police Department, the Medal of Valor, after pulling a person from a burning vehicle while he was off-duty;

WHEREAS, in addition to his work as an officer, he also gave back to the community by supporting the Dream Day Foundation;

WHEREAS, he will be remembered for his humor, generosity, and love for the outdoors, including hunting, fishing, and enjoying LSU Baseball, as well as his fierce loyalty and love of his family;

WHEREAS, in 2008, he married Darla, his best friend and love of his life, and, in 2013, they welcomed the birth of their daughter Saydee, his greatest joy;

WHEREAS, he is survived by his wife Darla and his daughter Saydee; parents, Dennis and Stephanie Eisworth, and Michelle and Renee Jackson; brother, Jacob Eisworth and wife Sarah; sister-in-law, Tessie Wise and husband Mike; grandparents, Allen and Judy Martin, and Goldie

Eisworth; nephews, Cody Eisworth (Morgan) and Caden Cooley; nieces, Laney, Camille and Abigail Eisworth, and Kaitlyn Cooley; as well as numerous aunts, uncles and cousins. He is preceded in death by his grandparents, Sammie L. Eisworth and Juanita Peyton; beloved sister, Gabriella Eisworth; uncle, Allen F. Martin “Bo”; and he and Darla’s beloved dog, Bella;

WHEREAS, Sgt. Eisworth will be remembered for standing on the Thin Blue Line, along with so many others who have made the ultimate sacrifice in protecting our communities;

WHEREAS, Sgt. Eisworth’s unwavering commitment to protecting and serving others is inspiring to all who knew him;

WHEREAS, Sgt. Eisworth is a true hero, whose life and sacrifice will forever inspire and resonate within our community.

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

Section 1: As an expression of respect and to honor Sgt. Caleb Eisworth, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on August 16th, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, August 16th, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 15th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#077

EXECUTIVE ORDER JML 25-91

Renewal of State of Emergency
Office of Broadband Development and Connectivity

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat there of is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, pursuant to R.S. 29:274 (B)(1), Governor Jeff Landry declared a state of emergency on June 20, 2025, in JML 25-071, which is in effect through Sunday, July 20, 2025;

WHEREAS, JML 25-071 has been renewed and extended every thirty (30) days through JML 25-082 which is in effect through Sunday, August 17, 2025;

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

WHEREAS, the Office of Broadband Development and Connectivity was created to, among other things, promote and encourage broadband adoption for households that have not accessed services, to encourage the assistance of the private sector, including broadband service providers, to effectuate the deployment and access to broadband and other connectivity services to all residents of the state, and to apply for, receive, and administer grants or financial assistance from persons or government agencies;

WHEREAS, the State of Louisiana, through the Office of Broadband Development and Connectivity, has long been a model for broadband expansion for the country by establishing the State’s first broadband deployment program, the Granting Unserved Municipalities Broadband Opportunities (“GUMBO”) grant program;

WHEREAS, the Office of Broadband Development and Connectivity (“ConnectLA”) currently provides administrative duties and compliance processes for the GUMBO 1.0 grant program, set to serve over 60,000 locations with high-speed, reliable, internet service using up \$176 million in Capital Projects Funds from the U.S. Treasury by December 2026;

WHEREAS, the State of Louisiana and ConnectLA embarked on a challenge to continue to bridge the digital divide by participating in the Broadband, Equity, Access, and Deployment (“BEAD”) program administered by the U.S. Department of Commerce;

WHEREAS, the Notice of Funding Opportunities that was released by the U.S. Department of Commerce stipulated numerous steps and requirements to unlock \$1.355 billion in funds to be allocated to the State of Louisiana through this program;

WHEREAS, the State of Louisiana became the first state in the nation to receive approval of the Initial Proposal document from the U.S. Department of Commerce in December of 2023;

WHEREAS, this approval from the U.S. Department of Commerce set a one year timeline to complete a Final Proposal and provided the state the ability to complete its competitive grant process to serve the remaining locations within the state with broadband services;

WHEREAS, the State of Louisiana had become the first in the nation to release results from the program in November of 2024 and secure federal approval in January of 2025 for the Final Proposal, representing a comprehensive BEAD plan totaling \$1.355 billion, through the GUMBO 2.0 program;

WHEREAS, this historic investment represents a generational opportunity to deliver high-speed internet access to approximately 140,000 unserved or underserved locations across all 64 parishes;

WHEREAS, the U.S. Department of Commerce recently completed a review of the BEAD program to offer changes to streamline the program for all state broadband offices across the nation;

WHEREAS, a new policy notice was released on June 6, 2025, to expedite the BEAD award process and ensure all states have completed a “Benefit of the Bargain” grant round;

WHEREAS, the State of Louisiana must complete all new actions and redo the entirety of the bidding process within a 90 day timeframe from the release of the policy notice guidance from the U.S. Department of Commerce, with all results due by September 4, 2025;

WHEREAS, strict compliance with the requirements set forth in La. R.S. 51:2370.21, et seq., do not permit ConnectLa to complete the entirety of this process as required by the U.S. Department of Commerce by September 4, 2025.

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

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

Section 2: Pursuant to La. R.S. 29:724(D)(1), the following provisions are hereby suspended: La. R.S. 51:2370.21-2370.35 and LAC 4:XXI.Chapters 11-17.

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

Section 4: This Order is effective from Friday, August 15, 2025, and shall continue in effect until Sunday, September 14, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 15th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#078

EXECUTIVE ORDER JML 25-92

Bond Allocation 2025 Ceiling

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

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

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order No. JML 2024-123 was issued to establish:

- A) the manner in which the ceiling shall be determined,
- B) the method to be used in allocating the ceiling,
- C) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
- D) a system of record keeping for such allocations.

WHEREAS, the Capital Area Finance Authority has authorized and approved \$25,000,000 of Single-Family Mortgage Revenue Bonds Series 2025B and has applied for \$25,000,000 volume cap from the 2025 ceiling to be used for the principal and premium on its tax-exempt Series 2025B Bonds.

WHEREAS, the Jefferson Parish Finance Authority has authorized and approved \$33,000,000 of Single-Family Mortgage Revenue Bonds Series and has applied for \$16,500,000 volume cap from the 2025 ceiling to be used for the principal and premium on its tax-exempt Series 2025A Bonds.

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

Section 1: The bond issues, as described in this Section, shall be and are hereby granted allocations from the 2025 ceiling in the amounts shown:

Amount of Allocation	Name of Issuer	Name of Project
\$25,000,000	Capital Area Finance Authority	Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program) Series 2025B (Non-AMT)
\$16,500,000	Jefferson Parish Finance Authority	Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program) Series 2025A (Non-AMT)

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

Section 3: The allocations granted herein shall be valid and in full force and effect through November 30, 2025; therefore, any unused amount of the 2025 ceiling allocation shall be deemed returned as of December 1, 2025.

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

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

State of Louisiana in the City of Baton Rouge, on this 22nd day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#079

EXECUTIVE ORDER JML 25-93

Hurricane Katrina Day of Remembrance,
Day of Prayer, and Flags at Half-Staff

WHEREAS, on August 29, 2005, Hurricane Katrina made landfall along the Gulf Coast as one of the most devastating natural disasters in American history, with the State of Louisiana bearing the weight of its profound destruction and loss;

WHEREAS, Hurricane Katrina and its effects claimed the loss of over 1,800 lives, displaced hundreds of thousands of Louisiana residents, and caused widespread destruction to homes, businesses, infrastructure, and cultural landmarks;

WHEREAS, the people of Louisiana endured unimaginable hardship, yet Louisianians displayed unmatched courage, compassion, and unbreakable resilience in the face of overwhelming adversity;

WHEREAS, the response and support shown by people across Louisiana and the United States of America should never be forgotten;

WHEREAS, communities across Louisiana have worked tirelessly over the past two decades to rebuild lives, restore neighborhoods, and preserve the unique cultural heritage that defines our state;

WHEREAS, the response and recovery from Hurricane Katrina inspired innovation and investment in disaster preparedness, emergency response, coastal restoration, and infrastructure resiliency throughout Louisiana and our nation, to better respond to storms, and it is necessary for us to continue to prioritize these efforts;

WHEREAS, Louisiana’s recovery has been a remarkable journey of resilience and innovation, transforming our state and its people into a symbol of hope and recovery;

WHEREAS, the twentieth anniversary of Hurricane Katrina offers a solemn opportunity to honor the memory of those who were lost, to pay tribute to the enduring strength and spirit of our people, and to reaffirm our commitment to safeguarding every community in our great state with vigilance and care; and

WHEREAS, it is fitting and proper that the State of Louisiana observe this significant anniversary with reflection, remembrance, and renewed dedication to unity and preparedness.

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

Section 1: August 29, 2025 is proclaimed as Hurricane Katrina Remembrance Day in the State of Louisiana.

Section 2: To honor and remember the victims of this tragic event, and the sacrifices of so many across the state and our country, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise to sunset on August 29, 2025.

Section 3: All political subdivisions, private entities, and educational institutions, including public, private, parochial, and post-secondary institutions, are encouraged to lower the flags of the United States and the State of Louisiana to half-staff during this period.

Section 4: Throughout our history, Louisianians have been strengthened, assured, and lifted up through prayer; therefore, Louisianians of all faiths and religious traditions and backgrounds are encouraged to join me and Sharon in a day of prayer in observance of Hurricane Katrina on August 29, 2025.

Section 5: This Order is effective upon signature and shall remain in effect until sunset, on August 29, 2025, or until amended.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 25th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#080

EXECUTIVE ORDER JML 25-94

State of Emergency
Maximum Security Camp J Repairs and Operation
Louisiana State Penitentiary

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

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

WHEREAS, a declaration of emergency or disaster activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, La. R.S. 29:274(D)(2) permits the Governor during a declared state of emergency the capacity to utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster or emergency;

WHEREAS, La. R.S. 29:274(D)(3) authorizes the Governor during a declared state of emergency the capability to transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, La. R.S. 29:274(D)(4) gives the Governor during a declared state of emergency the ability to make provisions for the availability and use of temporary emergency housing;

WHEREAS, the Louisiana State Penitentiary lacks adequate bed capacity to accommodate violent offenders who require the highest degree of security and will be transferred to its facilities;

WHEREAS, Camp J, within the Louisiana State Penitentiary, was designed to provide that maximum security, but Camp J has deteriorated into a condition that creates a significant threat of injury to individuals and property who enter or are in and around its premises;

WHEREAS, in the first seven months of 2017, dozens of weapons were found at Camp J due to security malfunctions;

WHEREAS, within just one year, approximately 85 corrections officers assigned to Camp J had resigned, retired, or were terminated due to the complex challenges presented there;

WHEREAS, locks for the cells in Camp J malfunctioned, allowing offenders to jam cell doors and circumvent security checks, which resulted in a decision to close Camp J in 2018;

WHEREAS, the security conditions of Camp J present a threat of injury and a threat to the lives of offenders housed or working within Camp J as well as employees, contractors, or members of the public who may be within Camp J at any time;

WHEREAS, Camp J and the surrounding infrastructure requires facility improvements and maintenance to adequately hold any violent offenders and to protect the lives of any employees, contractors, or members of the public who may be within Camp J at any time;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist that currently threatens the lives, safety, and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724(A)(3), the designated emergency area, which is or may be affected, shall include Camp J and surrounding infrastructure, within the Louisiana State Penitentiary.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Secretary of the Department of Public Safety and Corrections are hereby authorized to undertake any activity authorized by law that they deem appropriate in response to this declaration.

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

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

Section 6: This Order is effective upon signature and shall remain in effect from Monday, August 25, 2025, until Monday, September 22, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 25th day of August 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#081

EXECUTIVE ORDER JML 25-95

Honoring the Victims of the Tragedy in
Minneapolis, Minnesota—Flags at Half-Staff

WHEREAS, on August 27, 2025, a tragic incident occurred at the Annunciation Catholic School in Minneapolis, Minnesota, leaving our country in shock and disbelief;

WHEREAS, during an all-school mass, a coward opened fire through the windows of the church, killing an 8-year-old and 10-year-old, and injuring seventeen others as they prayed;

WHEREAS, these innocent lives, filled with promise and potential, were tragically cut short in a sacred place that should have been a sanctuary;

WHEREAS, the courage and swift response of the teachers, first responders, and community members saved many more lives from being lost;

WHEREAS, this unspeakable tragedy has left the Minneapolis community and the nation in mourning, with heavy hearts and deep sorrow;

WHEREAS, the people of Louisiana are grieving with everyone affected by this act of violence;

WHEREAS, as a nation, we must come together to support the victims' families and all of those impacted, ensuring they know they are not alone in their grief and that we stand united against such senseless acts of violence; and

WHEREAS, President Donald Trump ordered that the flags of the United States fly at half-staff upon all public buildings as a mark of respect for the victims of these senseless acts of violence;

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

Section 1: To honor and remember the victims of this tragic event, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise to sunset on August 28, 2025.

Section 2: I request that you join Sharon and I as we pray for the victims and their families. Let us come together in solidarity, extending our deepest condolences and unwavering support to those who have been affected by this tragedy.

Section 3: This Order is effective upon signature and shall remain in effect until sunset, on August 28, 2025, or until amended.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 27th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#082

EXECUTIVE ORDER JML 25-96

Renewal of State of Emergency—Hurricane Ida

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

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

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 25-085, which is in effect through Saturday, August 31, 2025;

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

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

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

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

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

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

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

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

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

or selling the goods or services during the state of emergency.

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

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

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

Section 7: This Order is effective upon signature and shall continue in effect from Friday, August 29, 2025 to Sunday, September 28, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#083

EXECUTIVE ORDER JML 25-97

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

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

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-086 which is in effect through Sunday, August 31, 2025;

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

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

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the

area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

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

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

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

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

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

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

Section 4: This Order is effective upon signature and shall continue in effect from Friday, August 29, 2025, through Sunday, September 28, 2025, to, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 29th day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#084

EXECUTIVE ORDER JML 25-98

State of Emergency
City of Tallulah Water System

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La.

R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. 25-018;

WHEREAS, Executive Order No. 25-018 has been renewed and extended every thirty (30) days through JML 25-087, which is in effect through Friday, September 5, 2025;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

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

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

WHEREAS, a declaration of emergency activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, the City of Tallulah has approximately 8,601 persons that depend on the Tallulah Water System;

WHEREAS, the Louisiana Department of Health has determined that the Tallulah Water System is continuously at risk of failure and unable to provide safe and accessible water to the residents of Tallulah on a consistent basis;

WHEREAS, the failure of the Tallulah Water System would impact the health and safety of the citizens of the City of Tallulah;

WHEREAS, the failure of the Tallulah Water System would greatly impact the operability and sustainability of critical infrastructure within the City;

WHEREAS, the State of Louisiana desires to avoid the failure of the Tallulah Water System and to protect the city's citizens and critical infrastructure;

WHEREAS, there is a need to continue Executive Order Number JML 25-087 because the designated certified operator is still working to repair the Tallulah Water System in order to provide safe and accessible water to the residents of Tallulah on a consistent basis.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 *et seq.*, and more specifically, La. R.S. 29:724, a

state of emergency is hereby declared to exist within the City of Tallulah in the Parish of Madison.

Section 2: The Director of GOHSEP and the Louisiana Department of Health are hereby authorized to undertake any activity authorized by law deemed appropriate in response to this declaration;

Section 3: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

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

Section 5: This Order is effective Friday, September 5, 2025, and shall continue in effect until Sunday, October 5, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 5th day of September, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#085

EXECUTIVE ORDER JML 25-99

Renewal of State of Emergency—Cybersecurity Incidents

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

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

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-088, which is in effect through Sunday, September 7, 2025;

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

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of

any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, it is necessary for the State to continue to work cooperatively to mitigate any damages, current or future from cybersecurity breaches and to address cybersecurity vulnerabilities in current systems;

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

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

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

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

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

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

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

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

Section 8: This Order is effective upon signature and shall continue in effect from Friday, September 5, 2025 to Sunday, October 5, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 5th day of September, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2509#086

Emergency Rules

DECLARATION OF EMERGENCY

Office of the Governor
Division of Administration
Office of Broadband Development and Connectivity

Granting Unserved Municipalities Broadband Opportunities
(GUMBO) (LAC 4:XXI.705)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:2370-2370.16, the executive director of the Office of Broadband Connectivity (ConnectLA) declares an emergency to exist and adopts by emergency process the amendment outlined below relative to the administration of the Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program.

ConnectLA has made considerable progress toward the GUMBO program objective of funding eligible broadband infrastructure projects. These projects will deploy broadband internet service to unserved and underserved areas, improving Louisiana residents' health, educational opportunities and economic competitiveness in the digital world.

Currently, the final disbursement of funds to some broadband services providers is being delayed or denied until ConnectLA identifies locations within approved project areas that are ineligible to receive funding, because they were not or could not have been reasonably identified when applications for the GUMBO program were accepted.

The Emergency Rule authorizes ConnectLA to grant or deny the removal of locations from the approved project area included in a grant recipient's application if those locations are later determined to be ineligible for the GUMBO grant program and determine whether the amount of the grant is to be modified.

Failure to address this issue could result in significant undue financial strain on broadband services providers which could jeopardize their ability to provide broadband services to residents. Failure to connect the unconnected would prolong the substantial risk of hardship currently faced by hundreds of thousands of residents throughout the state. As demonstrated, this situation constitutes and creates an imminent peril to the public health, safety, and welfare of the residents of Louisiana, thereby making this Emergency Rule necessary. As such, the department promulgated an Emergency Rule which increased our Office's ability to reimburse subgrantees faster (*Louisiana Register*, Volume 51, Number 3).

Effective August 11, 2025, this Emergency Rule is being promulgated to continue the provisions of the February 12, 2025, Emergency Rule and shall be in effect for the maximum period allowed under by the Administrative Procedure Act, unless renewed by the executive director of ConnectLA or until permanent rules are promulgated in accordance with law.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 7. Compliance

§705. Disbursement and Reimbursement

A. - D. ...

E. The office may allow a grant recipient to request the removal of locations from the approved project area included in its application if those locations are later determined to be ineligible for the GUMBO grant program. The office may at its discretion approve or deny the removal of the requested locations and determine whether the amount of the grant needs to be modified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, amended LR 48:1515 (June 2022), LR 51:

Veneeth Iyengar
Executive Director

2509#001

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of Multimodal Commerce

State Safety Oversight for Rail Fixed Guideway Public
Transportation Systems (LAC 70:IX.Chapter 15)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, and pursuant to the authority set forth, the secretary of the Department of Transportation and Development (DOTD) declares an urgent need to update existing *Louisiana Administrative Code* Title 70 Chapter 15 State Safety Oversight for Rail Fixed Guideway Public Transportation Systems (RFGPTS) to meet Federal Transit Administration requirements. On October 21, 2022, the Federal Transit Administration issued Special Directive No. 22-32 (required by 49 U.S.C. § 5329(k)) to the state of Louisiana with requirements to develop and implement a risk-based inspections (RBI) program. Special Directive 22-32 required the Department of Transportation and Development to develop and submit to FTA for approval by October 21, 2024, documents including changes to the *Louisiana Administrative Code*. The documents outlined the RBI program, which gives DOTD the responsibility and authority to review data, identify and prioritize risks and then conduct inspections to ensure that the New Orleans Regional Transit Authority is doing the work necessary to protect the safety of the traveling public.

DOTD developed and submitted the required documents in January 2024. Through an iterative process, FTA approved the DOTD RBI-related changes on September 20, 2024. DOTD must immediately begin implementation and

provide proof of implementation to FTA by September 20, 2025. The emergency *Louisiana Administrative Code* updates will allow DOTD to begin implementing the RBI program quickly and comply with FTA Special Directive No. 22-32, while simultaneously beginning the typical Administrative Code update process. If DOTD does not show proof of implementation, FTA is authorized to enact sanctions for transit funding in Louisiana.

This Emergency Rule shall have the force and effect of law on August 16, 2025, and will remain in effect for 180 days, unless renewed by the secretary of the Department of Transportation and Development, or until revised rules are promulgated in accordance with the law.

Title 70

TRANSPORTATION

Part IX. Intermodal Transportation

Chapter 15. State Safety Oversight for Rail Fixed

Guideway Public Transportation Systems

Subpart A. Intermodal

§1501. Introduction

A. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed on December 18, 1991, required the Federal Transit Administration (FTA) to create a first ever State-managed safety and security oversight program for rail fixed guideway public transportation systems (RFGPTS) not regulated by the Federal Railroad Administration. In each successive Act following ISTEA, including the Transportation Equity Act for the 21st Century (TEA-21), signed on June 9, 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed on August 10, 2005, the state safety oversight (SSO) program was continued, setting the stage for the safety and programmatic advances required under the Moving Ahead for Progress in the 21st Century Act (MAP-21) signed July 6, 2012 and continued under the Fixing America's Surface Transportation Act (FAST Act), signed on December 4, 2015.

B. On March 16, 2016, FTA issued the 49 CFR Part 674 final Rule. This Rule reflects the requirements of 49 U.S.C. section 5329(e) and directs states to strengthen their authorities to oversee and enforce safety requirements and to prevent and mitigate accidents on the RFGPTS in their jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:922 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1503. Program Management

A. Authority. The state of Louisiana re-designated the Louisiana Department of Transportation and Development (LADOTD) as the state safety oversight agency (SSOA) for Louisiana in 2014. This enabling authority is found at Louisiana Revised Statute 48:214. The SSOA authority applies to any Rail Transit Agency (RTA) operating a RFGPTS in Louisiana. References to the RTA or RFGPTS do not apply to one specific RTA, but to any RTA operating in Louisiana.

NOTE: The New Orleans Regional Transit Authority is the only RTA/RFGPTS currently subject to oversight in the State of Louisiana.

B. Policies That Govern SSOA Activities. The SSO program is administered by the state safety oversight program manager. The Program Manager is responsible for carrying out the policies enumerated in the State Safety Oversight Program Standard (SSOPS) and the specific activities and objectives provided in the SSO Procedures Manual. The SSO program is currently administered through the Office of Multimodal Commerce at the LADOTD and supported by the commissioner of Multimodal Commerce, the deputy commissioner of Multimodal Commerce, and the freight and passenger rail development statewide program manager. The SSO program manager and any staff or contractors will meet the training requirements of the Public Transportation Safety Certification Training Program.

C. SSOA Reporting Requirements. On or before March 15 of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA:

1. the SSOPS and the accompanying procedures manual, with an indication of any changes to those documents during the preceding 12 months;

2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;

3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;

4. a summary of the triennial audits completed during the preceding 12 months, and the RTA's progress in carrying out corrective action plans (CAP) arising from triennial audits (if conducted);

5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plan during the preceding 12 months; and

6. a certification that the SSOA is in compliance with the requirements of 49 CFR Part 674.

D. RTA Reporting Requirements. On or before February 15 of each year, the RTA will submit the following material in a report to the SSOA:

1. the safety plan, with an indication of any changes to that document during the preceding 12 months;

2. a report on all internal safety audits performed during the preceding calendar year to include a listing of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, and a status of all findings, recommendations and corrective actions resulting from the audits conducted the previous calendar year;

3. a report listing all reportable accidents and unacceptable hazards identified during the previous 12-month period that describes any causal factors identified through investigation and identifies the status of corrective actions;

4. a certification that the RTA is in compliance with this SSOPS and any federal rules applicable to its safety plan.

E. SSOA and RTA Communications. The SSOA will maintain on-going communications with the RTA regarding safety related aspects of the RFGPTS. To facilitate communications, the SSOA will attend monthly meetings to discuss the status of accident/incident/event investigations, open CAPs, identified unacceptable hazards, and other safety related topics. In addition, the SSOA will participate in safety-related training and other events and conduct on-site inspections. The inspections may include, but not be limited to: reviewing and approving accident investigation procedures and reports; reviewing monthly construction reports, as appropriate; and collecting and reviewing other data as leading indicators of safety-related events to identify mitigation measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:922 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1505. SSOPS Development

A. This SSOPS was developed in compliance with 49 CFR Part 674 and aspects of the previous Louisiana State Standard developed under 49 CFR Part 659. This SSOPS, along with Louisiana Revised Statute 48:214, give the SSOA the necessary authority to administer the enhanced oversight of RFGPTS in Louisiana as envisioned in 49 CFR Part 674. An accompanying procedures manual has been created to address changes in industry standards, safety-related guidance from FTA, and general procedural or administrative changes to standard operating practices between the SSOA and RTA. The creation of the SSO Procedures Manual reduces the legislative and administrative burden on the SSOA.

B. Review and Revision. The SSOPS policy document and Procedures Manual are reviewed at least annually. Any changes to either document are submitted to FTA (and as appropriate to the RTA) for review with the annual report by March 15 of each year. Additionally, changes in procedures may be addressed at any time as needed.

C. Minimum Safety Standards. The SSOPS policy document, along with Louisiana Revised Statute 48:214, provides the SSOA the necessary authority to develop any rules and/or regulations necessary to enforce minimum safety standards of operation by RFGPTS operators in the state of Louisiana. Much like FTA's public transportation safety program does not outline those minimum standards but does so in the national public transportation safety plan, this policy document requires all Louisiana RTAs to meet or exceed any nationally recognized safety standards for operating rail fixed guideway public transportation systems. The SSOA Procedures Manual will contain any minimum safety standards deemed necessary beyond those developed by the RTA to facilitate safe operations or published by the FTA in the National Public Transportation Safety Plan or those developed by industry recognized leaders such as the American Public Transportation Association (APTA), etc. The SSOA will provide written notice of updates posted in

the Procedures Manual and all Louisiana RTAs will be required to adhere to those rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:923 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1507. Program Policy and Objectives

A. The SSOA provides oversight and technical assistance to the RTA and evaluates the effectiveness of the agency's safety plan implementation. Through participation in safety meetings, reviewing investigations of accidents/incidents/events, the SSOA will provide guidance and input to the RTA safety implementation program, which is wholly owned and implemented by the RTA. In addition to the SSOA program policy, the SSOA has specific objectives associated with the program's implementation that will be listed in the Procedures Manual. Those objectives may change based on specific oversight needs of an RTA, industry standards revisions, or guidance from FTA. The program objectives will be reviewed annually and updated as appropriate in the Procedures Manual. The SSOA is responsible for investigating any allegations of an RTA's non-compliance with its agency safety plan. To assist in the effectiveness of the SSOA mission, the RTA will grant full access to fixed guideway safety-related records, personnel, and facilities at the RTA. If, during the course of inspections, observations, analysis, interviews or other SSOA activities, potential unacceptable hazardous conditions are identified, the SSOA will discuss the concerns directly with the RTA safety staff and management and may require development of a corrective action plan. These risk-related concerns will typically find resolution at this level of discussion and interaction. If the situation is an immediate safety risk, the RTA is directed to implement any necessary action to mitigate that risk with proper and timely notification to the SSOA. In addition, the SSOA will work closely with the RTA to monitor issue resolution to assure the corrective action does not create unintended risks. If the SSOA identifies and communicates potential unacceptable hazardous conditions to the RTA staff as indicated above, and either the corrective action or the timeliness of the action is not acceptable to the SSOA, the following escalation protocols will be implemented.

1. Escalation Level I. If after an appropriate period of time, determined in writing by the SSOA, a similar pattern of risk-related activity, previously communicated to the RTA, is observed, a formal letter will be sent to the RTA safety management system (SMS) executive/lead. The letter will describe the risk concerns with a formal request to respond to the letter with an explanation of how the RTA plans to address the identified concerns. If the explanation from the RTA is reasonable/acceptable, the concerns and responses are documented and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

2. Escalation Level II. Louisiana Revised Statute 48:214 provides direction to each RTA regarding the requirement for a formal safety program and requires the

SSOA to, “Direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time.” If the RTA does not comply with direction stemming from Escalation Level I, a formal letter from the commissioner of the Office of Multimodal Commerce to the 351 Louisiana Register Vol. 51, No. 3 March 20, 2025 RTA accountable executive reiterating the risk concerns with a request to respond to the letter including an explanation of how the RTA plans to address the identified concerns. If the explanations from the RTA are reasonable/acceptable and a reasonable timetable is established, the concerns and responses are documented; and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

3. Escalation Level III. If at any time during Escalation Level II, the identified risk concerns cannot be resolved due to a lack of communication or responsiveness from the RTA, the statute requires that the SSOA, “Take legal action in a court of competent jurisdiction to compel an operator of a fixed guideway rail system to correct a safety hazard, or to prevent the operation of all or part of a fixed guideway rail system that the office has determined to be unsafe.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:923 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1509. Oversight of RTA Safety Plans and Internal Safety Reviews

A. RTA Safety Plan Review. The RTA is required to develop and submit a safety plan to the SSOA for its review and written approval. The safety plan must be compliant with the SSOPS, any federal rules (i.e., 49 C.F.R. Part 673 and 49 U.S.C. 5329(d)) specifically addressing RTA safety plans, any specific guidance found in the SSO Procedures Manual, and other guidance provided through FTA’s National Public Transportation Safety Plan. The SSOA may require changes to a safety plan based on changes in federal or state requirements, audit results, inspections, investigations, or findings based on safety data analysis. After written notification from the SSOA for safety plan modifications, the RTA and SSOA will determine a reasonable timeline for completing the revision(s). The RTA must assess its safety plan annually and revise it as needed to reflect changes in the organization, procedures, equipment, facilities, and operating environment. The RTA must submit any revisions to the SSOA to ensure compliance with the SSOPS. The SSOA will complete a compliance review of the safety plan within 30 calendar days of receipt or notify the RTA if additional time is needed. If the RTA safety plan complies with the SSOPS and other guidance as necessary, the SSOA will issue a written approval of the safety plan (along with appropriate checklists) and request that the RTA send a final copy of the safety plan with appropriate signatures and other endorsements as required. Per changes to 49 USC 5329(d) introduced in the Bipartisan Infrastructure Law (BIL), recipients receiving Section 5307 assistance and serving an urbanized area of 200,000 or more

must establish a safety committee which approves the safety plan and any revisions. This safety committee shall consist of an equal number of frontline employee representatives selected by a labor organization and management representatives as described in paragraph (5) of 5329(d). For recipients serving an urbanized area with a population under 200,000, agency safety plans must be developed in cooperation with frontline employee representatives. The safety plan and any revisions to the safety plan must then be approved by the RTA Board of Commissioners and signed by a designee of the RTA Board of Commissioners. The approved RTA safety plan remains in effect until another such safety plan or revisions to the existing safety plan is/are submitted and approved in accordance with this SSOPS. If the SSOA determines that the submitted safety plan does not meet the requirements of the SSOPS or other appropriate guidance, a written rejection of the safety plan will be sent to the RTA along with a description (comments and appropriate checklists) of necessary changes to gain approval. The RTA will make such changes in an expeditious manner, unless otherwise specified in the rejection letter. The RTA may request a meeting with the SSOA to discuss the safety plan review comments. In the event the RTA objects to a noted deficiency or requested change from the SSOA, a written notice of the objections and suggested alternatives will be provided to the SSOA within 30 days. Both the SSOA and the RTA must agree on an appropriate course of action or the SSOA will follow the escalation procedures.

B. RTA Internal Reviews. The RTA must develop and document a process for the performance of on-going internal safety audits that assess the elements and implementation of the RTA safety plan. Each element of the safety plan must be audited at least once during a three-year cycle. The audit process must, at a minimum, describe a process used by the RTA to determine if all identified elements of the safety plan are performing as intended, determine if areas of non-compliance and hazards are being identified in a timely manner, ensure that all elements are being reviewed in an on-going manner and over a three-year cycle, and ensure that no unit leads its own internal audit. The RTA will notify the SSOA in writing at least 30 days prior to any internal audit and will provide audit checklists, procedures, and other documents as necessary. The RTA will coordinate any comments on the checklists and schedule with the SSOA. On or before February 15 of each year, the RTA will submit a report detailing all internal safety audits performed during the preceding calendar year. The report, signed by the RTA accountable executive, must contain at a minimum, a listing of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, a status of all findings, and recommendations and corrective actions resulting from the audits conducted the previous calendar year. The SSOA will review and approve the internal audit report submitted by the RTA prior to submission to the FTA each year on or before March 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:924 (May 2018), amended LR 48:2187 (August 2022), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1511. Triennial SSOA Audits

A. Audit Procedures. In addition to ongoing inspections, investigations, and examinations of RTA safety implementation procedures, the SSOA will conduct an onsite audit of the RTA's implementation of its safety program at least once during each three-year cycle. The SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The three-year audit will be a comprehensive review and evaluation of the effectiveness of the RTA safety plan and other standard *Louisiana Register* Vol. 51, No. 3 March 20, 2025 352 operating procedures. The audit will generally be conducted prior to the FTA triennial audit of the SSOA Program. In anticipation of a three-year audit of the RTA safety program, the SSOA will establish an audit team and audit schedule, develop audit checklists for use during the audit, provide the RTA with written notification of the audit schedule 60 days in advance, and offer the RTA an opportunity to schedule a pre-audit meeting to ensure clarity of SSOA audit objectives. The SSOA will provide the RTA with the list of team members and audit checklists 30 days in advance of the audit. The audit is intended to be an open and collaborative process with the RTA with the primary goal of improving safety procedures documentation and implementation at the RTA.

B. Audit Findings. A list of audit findings will be incorporated into an audit-tracking matrix. The matrix will provide the findings and any comments developed by the SSOA necessary to clarify the intent of the finding. The matrix will be used to track any findings to resolution.

C. Audit Report. Any findings established during a triennial audit will be documented in a draft written report along with recommendations for improvements (including recommended CAPs) to the safety plan or other documentation related to the effectiveness of the RTA safety plan and safe operations of the RFGPTS. The RTA will have an opportunity to comment on the content of the report, including the findings and recommendations prior to the SSOA publishing the final audit report. If the RTA has alternative methods to address the recommendations provided by the SSOA in the draft audit report, the SSOA will consider those and initiate dialogue as appropriate. The SSOA review team will make revisions, if appropriate to the goals of the audit, and will distribute the final audit report. Corrective actions required, as a result of the audit, will be managed through the corrective action process. The SSOA will transmit final audit reports to the FTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, IR 44:925 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1513 Accident Notification

A. Requirements

1. The SSOA requires the RTA to report the following accidents (reportable accident):

a. fatality (occurring at the scene or within 30 days following the accident).

b. one or more persons suffering serious injury (Serious injury means any injury which:

i. requires hospitalization for more than 48 hours, commencing within seven days from the date of the injury was received;

ii. results in a fracture of any bone (except simple fractures of fingers, toes, or nose);

iii. causes severe hemorrhages, nerve, muscle, or tendon damage;

iv. involves any internal organ; or

v. involves second or third-degree burns, or any burns affecting more than five percent of the body surface).

c. *Substantial Damage*—damage to any involved vehicles, facilities, equipment, rolling stock, or infrastructure that disrupts the operations of the rail transit agency and adversely affects the structural strength, performance, or operating characteristics of the asset, such that it requires towing, rescue, on-site maintenance, or immediate removal prior to safe operation.

d. a collision involving a rail transit vehicle that:

i. meets an injury, fatality, substantial damage, or evacuation threshold;

ii. includes suicides or attempted suicides that involve contact with a transit vehicle;

iii. occurs at a rail grade crossing;

iv. involves an individual in the right-of-way;

v. involves a rail transit vehicle and a second rail transit vehicle; or

vi. includes collisions that do not involve a transit revenue vehicle but meet a threshold.

e. a runaway train.

f. an evacuation for life safety reasons.

g. any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

2. In any instance in which the RTA is required to notify the Federal Railroad Administration (FRA) of an accident as defined by 49 CFR §225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA. The RTA will also be required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e. 49 CFR Appendix to Part 674) or guidance under the national public transportation safety plan or other reporting guidelines. These will be published and communicated to the RTA through the SSO Procedures Manual.

B. Methodology and Content: Two-Hour Notification. The RTA shall notify the SSOA and FTA within two hours of a reportable accident. Notification shall be transmitted via email (or if unavailable, via telephone with follow-up email) or other electronic notification method described in the Procedures Manual. The two-hour notification will contain the following information:

1. unique accident identification number (if more than one crash occurs on one day, the time will be added in 24-hour format and the operator badge number will be included as shown: YYMMDD HHMM operator badge number. All follow up information associated with a reportable accident will contain the unique accident identification number.);

2. sender (caller) name;

3. transit system name;

4. type of accident (e.g., which accident criteria prompted the accident report to the SSOA);

5. time and date of the accident;
6. the location of the accident;
7. transit vehicle identifying information, including route, direction, vehicle number, block number, etc.;
8. information about any other vehicles involved;
9. number of injuries (persons requiring immediate medical attention away from the scene);
10. number of fatalities;
11. estimated property damage, if available;
12. a brief description of the accident;
13. a description of accident investigation activities completed and anticipated in the short term;
14. preliminary determination of accident cause, if available; and
15. NTSB determination, if available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:925 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1515. Investigations

A. The SSOA must investigate or require an investigation of any reportable accident and is ultimately responsible for the sufficiency and thoroughness of all investigation reports, whether conducted by the SSOA, the RTA, or a third party. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, or conducted jointly by the SSOA and RTA.

1. RTA Investigations. In most cases, the SSOA requires the RTA to investigate their own accidents and the SSOA will conduct an independent review of the RTA's findings of causation. When conducting an accident investigation on behalf of the SSOA, investigations are performed in accordance with accident investigation procedures developed by the RTA and approved by the SSOA. The RTA will develop accident investigation procedures that meet or exceed all rules, guidance or industry standards associated with investigation procedures, including this SSOPS. Accident investigation procedures will be reviewed annually by the RTA against industry standards and updated as appropriate and necessary. During accident investigations conducted by the RTA, the SSOA will provide any technical assistance or guidance requested by the RTA in support of the accident investigation.

2. SSOA Investigations. If the SSOA determines that it will conduct its own investigation, the SSOA will inform the RTA of its decision to conduct or participate in an investigation, will use investigation personnel other than those employed or utilized by the RTA, and will use the RTA's approved investigation procedures. SSOA investigation personnel will have the proper investigation training and expertise as outlined in the public transportation certification training program. The RTA will be provided with a list of SSOA investigation team members. The SSOA investigation team will arrive at the RTA as soon as practicable. The SSOA investigation team will wait until the RTA and/or other emergency response personnel have secured the scene before commencing its investigation. The SSOA reserves the right to request that the RTA preserve the scene to the maximum extent feasible until arrival and start of the investigation. All SSOA investigation personnel will

be granted authority to access records, materials, data, analysis, and other information, which is pertinent to the investigation. The RTA is expected to provide the SSOA investigation team with the resources and information necessary to conduct the investigation in an effective and efficient manner.

3. Joint Investigations. The SSOA may request joint participation in an investigation. In such cases, the RTA will cooperate, to the extent practicable, in preserving the scene until SSOA investigation team members arrive. The SSOA investigation team will observe or participate in field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation. The SSOA investigation team will observe or participate in assessing physical evidence of the scene and document the environmental and physical factors of the scene through measurements, diagrams, and photographs. As part of the investigation, the SSOA investigation team will observe or participate in assessing compliance with operating rules and procedures; conducting follow up interviews (if required); analyzing employee records and the results of post-accident drug and alcohol tests; and conducting vehicle and equipment inspections. If the SSOA investigation team requires information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this information or analysis in a written request to the RTA.

4. National Transportation Safety Board (NTSB) Investigations. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will participate in the investigation and will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

5. Reporting. All accident investigations will result in a formal investigation report. Accident reports will describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a CAP, as necessary or appropriate. In most cases, the RTA will conduct investigations of its own accidents and will be required to produce a final accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The RTA will provide a monthly accident log update detailing the status of all investigations through closure and adoption by the SSOA. Upon submission of a final accident investigation report by the RTA, the SSOA will conduct an independent review of the findings of causation and either provide acceptance and adoption of the report in a timely manner or ask for additional information or analysis. In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation. In cases where the SSOA decides to conduct its own investigation, the SSOA will produce an accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The final accident report will be provided to the RTA for review and concurrence. If the RTA does not concur with the

SSOA's report, the RTA may submit a written dissent of the report, which the SSOA may include in the final report. In cases where the SSOA and RTA conduct a joint accident investigation, both agencies will collaborate on investigation, analysis, and determination of causal or contributing factors. Both agencies will also collaborate on developing the final accident investigation report. Upon completion, the SSOA will adopt the final report. In special circumstances, the FTA may conduct an independent investigation of an accident or review the findings of causation contained in an accident report. The SSOA and RTA will cooperate, to the extent practicable, with the FTA's investigation and provide support for findings and recommendations.

6. **Corrective Actions.** If a final investigation report contains findings and/or recommendations for addressing deficiencies or unsafe conditions identified during the investigation process, the RTA will be responsible for *Louisiana Register* Vol. 51, No. 3 March 20, 2025 354 developing appropriate CAPs. The SSOA will review and approve or ask for revisions to CAPs as appropriate. If, after reviewing an investigation report not resulting in a CAP and the SSOA determines that a CAP was necessary or appropriate, the SSOA will communicate the need to develop the CAP to the RTA.

7. **Records Confidentiality.** The Louisiana Public Records Act, also known as Louisiana's Sunshine Law, was enacted by the State Legislature in 1940, and is currently provided for in R.S. 44:1, et seq. Under Louisiana's Sunshine Law, the SSOA generally cannot legally protect the confidentiality of accident investigation reports from discovery except when the report contains sensitive security information, or when otherwise exempted for in law, jurisprudence, and/or R.S. 44:1, et seq. Anyone can request public records; and no purpose is required. There are no restrictions on what can be done with the public documents once a records requester has them in hand. The custodian of the records must respond to requests within three business days.

8. **Exemptions:** Pending criminal litigation; juvenile status offenders; sexual offense victims; security procedures; trade secrets; and some public employee information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:926 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1517. Corrective Action Plans

A. The SSOA's primary concern is the safety of the travelling public using an RFGPTS. Corrective action plans are an integral part of ensuring safety. The SSOA will work with the RTA to ensure that corrective actions are implemented in a timely fashion and corrective actions are commensurate to the severity of the potential safety-related hazard.

1. Development

a. CAPs may be identified and developed through a number of processes and procedures including accident investigation reports developed by the RTA, SSOA, FTA or NTSB; internal safety audits conducted by the RTA; three-year audits conducted by the SSOA or FTA; or the RTA

hazard management program. CAPs may be identified by other activities as well, and may be initiated by RTA or required by the SSOA. In any instance where the RTA must develop and carry out a CAP, the SSOA will review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions.

b. The SSOA will notify RTA of its approval or rejection of a corrective action plan within 15 calendar days of receiving the CAP. In the event the SSOA rejects a CAP, the reasons and recommended revisions will be stated in writing. RTA shall submit a revised CAP to the SSOA no later than 15 calendar days following the rejection. If the RTA does not agree with the proposed revisions, the SSOA and RTA shall meet to resolve differences regarding the CAP. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

2. **Tracking.** The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA will monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate. CAPs shall be tracked by using the following naming convention. Each CAP name shall begin with: YY-##. The first CAP for a year shall be 01, and the numbers shall increase one-by-one through the year. The following year, the numbers shall begin again at 01. CAPs shall be entered into the RTA CAP log upon creation and remain on the log the entire calendar year, even after closure. CAP progress is tracked during monthly meetings.

3. **Closure.** Implementation of CAPs may require timeline adjustments. The SSOA should be informed of any implementation schedule changes and review the reasons for those changes. CAPs will be acknowledged as closed by the SSOA once supporting documentation is provided by the RTA and review and/or inspection is conducted by the SSOA. The SSOA will provide the RTA with timely written acceptance of a CAP closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:927 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1519. Annual Reporting to FTA: SSOA Reporting Requirements

A. On or before March 15 of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA (submitted electronically through a specified reporting system):

1. the SSOPS and the accompanying Procedures Manual, with an indication of any changes to those documents during the preceding 12 months;

2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;

3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;

4. a summary of the triennial audits completed during the preceding 12 months, and the RTAs' progress in carrying out corrective action plans arising from triennial audits (if conducted);

5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plans during the preceding 12 months; and

6. a certification that the SSOA is in compliance with the requirements 49 CFR Part 674.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:928 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1521. State Safety Oversight Risk-Based Inspection

A. Introduction. In November 2021, the Bipartisan Infrastructure Law amended 49 U.S.C. § 5329 to require that SSOAs conduct risk-based inspections (RBI) of the RTAs that they oversee. In October 2022, FTA issued Special Directive 22-32, under authority of 49 U.S.C. § 5329(k) and 49 CFR Part 670, requiring LADOTD, as the Louisiana SSOA, to develop and implement a risk-based inspection program. According to the Special Directive, a risk-based inspection program uses qualitative and quantitative data analysis to inform ongoing inspection activities. Risk-based inspection programs are designed to prioritize inspections to address safety concerns and hazards associated with the highest levels of safety risk. As described in 49 U.S.C. § 5329(k), the SSOA must develop policies and procedures for inspection access and data collection in consultation with each RTA that it oversees. LADOTD's RBI Program is added to this SSOPS, and it addresses the SSOA's authority to conduct inspections, collect data from the RTA to support risk-based inspection monitoring and prioritization activities, implement inspection activities in a way that is commensurate with the size and complexity of the RTA the SSOA oversees, and train employees for RBI program implementation. Additional details about how LADOTD implements its RBI program are in its accompanying State Safety Oversight Procedures Manual.

B. SSO Authority. R.S. 48:214 re-designated the LADOTD as the SSOA in 2014, providing it with the authority to establish and enforce minimum standards for the safety of all RTAs within its oversight. R.S. 48:214(B)(1) includes the SSOA's authority to enter onto and inspect the property of fixed guideway rail transit operators without prior notice. R.S. 48:214(B)(7) provides the SSOA the authority to implement rules and regulations as necessary to

fulfill its obligations under federal law. In 2018, the legislature added the SSOPS into this Chapter of *Louisiana Administrative Code*, which provides the SSOA the authority to develop rules and procedures needed to enforce minimum safety standards of operation by the agency. In 2024, this Section was added to the SSOPS and LAC 70:IX. Chapter 15 to include the authorities necessary to implement an effective RBI program, per 49 U.S.C. § 5329(k)(1)(A) and § 5329(k)(1)(B). These additions include the authority to collect and analyze data regarding safety program implementation at RTAs and to access each RTA property, with and without advanced notice, for the purposes of conducting inspections into RTA activities regarding the implementation of their safety programs. The authority to access RTA property includes access to infrastructure, equipment, records, personnel, and data. These authorities extend to contractors acting on behalf of the SSOA, who are required to have the capability to physically access the RTA the SSOA oversees as well as have the training necessary to safely access facilities.

C. Risk-Based Inspection Policies and Procedures. Per 49 U.S.C. § 5329(k)(1)(B) and § 5329(k)(3), the SSOA will access RTA facilities for risk-based inspections, both with and without advanced notice. Policies and procedures for these inspections were developed in close consultation between LADOTD and the RTA it oversees. The LADOTD SSOA will, at a minimum, conduct inspections at the RTA four times per year, though it has the authority to conduct as many as are needed depending on observed system risk. The LADOTD SSOA defines unannounced inspections as those in which the SSOA notifies the RTA when inspectors arrive onsite for inspection. Whether an announced or unannounced inspection, LADOTD SSO staff and contractors will not enter publicly inaccessible areas without an agency escort, though the RTA must provide one when requested. The SSOA must ensure all personnel leading inspections have been trained and certified according to 49 CFR Part 672, PTSCTP, TSSP, and RTA specifications to safely access RTA properties and rights-of-way. The SSOA will conduct inspections on the various procedures used to maintain RTA equipment, infrastructure, and practices of each RTA, with the areas and locations for inspection determined through the RBI prioritization process. As part of the RBI process, the LADOTD SSOA will monitor not only the physical aspects of RTA facilities and equipment, but also the conduct and performance of ongoing personnel involved in day-to-day operations. The RBI process will use the data and analysis to generate a prioritized list of operational aspects that should be monitored to ensure conformance with RTA procedures and processes. This will include monitoring operations centers, maintenance facilities, and training activities. Risk-based inspections do not replace other regularly scheduled inspections of infrastructure, equipment, records, personnel, and data.

D. Data Sources and Collection. Per 49 U.S.C. § 5329(k)(2)(A), § 5329(k)(2)(B), and § 5329(k)(4)(B), LADOTD SSO Program staff, including support contractors, will require all safety, inspection, and maintenance data elements be submitted from the RTA quarterly as part of the RBI process, with the exception of capital projects and financial data being submitted annually; the SSO has the authority to increase this frequency if it deems it necessary

to evaluate system-wide safety risk. Data submitted is used by the SSO to substantiate conditions and conduct analyses of trends, remedies, and remediations, then prioritize inspections accordingly. Category 3 of the RTA specific Procedures Manual contains details on the policies and secure processes used for data sharing and data management between the RTA and the SSOA. Data management policies in the Procedures Manual include agency specific details on data storage, organization, retention, maintenance, and accuracy. The Procedures Manual also identifies which records will be shared across safety, maintenance, and inspection data, detailing the components and formats for each data item. For safety program data, records include but are not limited to records of events, hazards, safety risk mitigations, corrective action plans (CAPs), and near misses. Safety data must also include that which the RTA collects when identifying hazards and assessing and mitigating safety risk. Maintenance data shared include but are not limited to maintenance records and report forms, work orders, records of failures and defects, records of revenue vehicles out of service, major maintenance activity schedules and progress, and adherence to maintenance schedules. Inspection data include but are not limited to inspection records and report forms, records of failures and defects, records of speed restrictions, incident and safety risk mitigation verification, adherence to inspection schedules, capital project schedules and progress, and financial data. LADOTD SSOA requests for data may also include items not identified as part of the previous three categories but identified as critical to completion of the RBI process. These additional requests may include but are not limited to records on internal audits, National Transit Database (NTD) reporting elements, security data and more.

E. Inspection Prioritization. The SSOA will prioritize inspection activity through analysis of maintenance, safety, and past inspection data, as is required in 49 U.S.C. § 5329(k)(4)(B). The SSOA will use qualitative and quantitative data to evaluate potential safety risks related to the equipment, infrastructure, and practices specific to each RTA it oversees, identifying concerns to be prioritized for inspection. This ongoing analysis will inform inspection planning so that the highest risk conditions are addressed first. To evaluate relative risk of system equipment, infrastructure, and practices, the SSOA will use metrics in its safety analysis to determine priorities for inspection across each of the records described in Category 3 of the Procedures Manual. Category 4 of the Procedures Manual includes the comprehensive list of metrics used to evaluate risk across safety, maintenance, inspection, and other data sources requested by the SSOA. To prioritize relative safety risk, the SSOA will use its safety risk matrix based on the industry standard (MIL-STD-882E) that includes probability and severity ratings, with equipment, facilities, or procedures whose potential failures intersect at higher levels of probability and severity receiving higher overall risk ratings. The highest scoring equipment, infrastructure, and practices will be prioritized for inspection first, and the SSOA will include clear documentation showing how safety concern ratings inform inspection prioritization. The SSOA's data analysis and prioritization process is ongoing, will be updated to reflect changing safety conditions, and is independent from the RTA's own safety risk assessment

practices for hazard mitigation. When system conditions change, the SSOA will analyze new data and develop new prioritization ratings, and these will inform potential revisions to inspection priorities. Unless required by activities or changes in system safety, the SSOA will schedule and perform an updated safety analysis and inspection prioritization quarterly at a minimum. The Procedures Manual details how the SSOA follows with each RTA before, during, and after inspection prioritization.

F. RBI Program Commensurate with RTA Number, Size, and Complexity. As is authorized in 49 U.S.C. § 5329(k)(4)(A), the SSOA conducts risk-based inspections commensurate with the number, size, and complexity of RFGPTS in the state. Inspection policies and procedures are tailored to an RTA's risk profile based on its size and complexity, which are described in Category 5 of the Procedures Manual. Currently, the SSOA only oversees one agency's RFGPTS (New Orleans Regional Transit Authority's streetcar system), so policies and procedures are tailored for this RTA specifically. The size and complexity of an RFGPTS is measured by its mode, physical characteristics, and operational characteristics. Because these physical and operational characteristics can change over time, the SSOA will use data reported to and verified by NTD to determine system size and complexity for a given year. Physical characteristics may include but are not limited to system vehicles and facilities, and operational characteristics may include but are not limited to operating expenses, ridership, and revenue mileage. 49 U.S.C. § 5329(k)(4)(A) requires consistent and ongoing site inspections of a transit system associated with the highest levels of safety risk. At a minimum, the SSOA will conduct at least four onsite risk-based inspections per RFGPTS per year no matter the risk profile or distance between the SSOA and RFGPTS it oversees. If an agency's size or complexity changes in a way that affects its risk profile, the SSOA will update inspection policies to account for this change. Inspections must cover the full spectrum of activities at the RTA, including infrastructure, equipment, records, personnel, and data, including the data the RTA collects when identifying and evaluating safety risks. Inspections will be prioritized based on relevant data including safety program, maintenance, and inspection data collected by the SSOA.

G. SSO Staffing, Qualification, and Training. In accordance with 49 U.S.C. § 5329(k)(4)(C), the LADOTD SSO program will need sufficient personnel and skill sets to effectively implement and manage a risk-based inspection program. To ensure adequate staffing, training, and resources, three elements will be reviewed and updated annually: the SSO Workload Assessment, inspection personnel qualifications, and a Technical Training Plan (TTP). These three elements are detailed in Category 6 of the Procedures Manual. The SSO Workload Assessment determines the staffing levels needed based on the requirements of the SSO oversight program. The LADOTD SSOA will also develop a training matrix that corresponds to the various technical training elements of the SSO program and will identify personnel and training needs. The matrix will track each technical training requirement, and it will be specific to the RTA based on its size, complexity, and the number of personnel that should be trained in each skill set.

The TTP identifies both the general technical training requirements of the SSOA program and the specific skill sets and knowledge necessary to carry out the SSOA program at the RTA overseen by the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:928 (May 2018), amended LR 48:2188 (August 2022), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR 51:

§1523. Procedures Manual Content

A. Program Policies and Objectives

1. The policy statement of the Louisiana SSO program. The Louisiana Department of Transportation and Development’s State Safety Oversight Program is responsible for the development and implementation of an effective and comprehensive state safety oversight program to ensure that all rail fixed guideway public transportation systems in its jurisdiction fully define and implement a safety program that is compliant with all applicable state and federal rules and regulations.

2. The objectives for the SSO program include the following:

- a. developing and maintaining an SSO program meeting the federal and state requirements, including but not limited to 49 CFR Parts 674.11(f), 674.13(a)(1-3) and 674.41(c);
- b. assuring that SSO program staff and contractors meet training and qualification requirements outlined in the Public Transportation Safety Certification Training Program final rule per 49 CFR Part 672;
- c. providing oversight and technical assistance to the RTA in developing, maintaining, evaluating, and implementing a safety program wholly owned by the RTA, not the state of Louisiana;
- d. working cooperatively with the RTA and FTA SSO program to improve system safety performance and reduce system safety risk to as low as reasonably practical;
- e. ensuring RTA conducts investigations and internal audits as required, and participating as appropriate (SSOA may choose to lead, participate in, or conduct independent investigations, audits, or inspections);
- f. ensuring RTA executive staff fully support the safety principles and methods of safety management systems (SMS) as the basis for enhancing the safety of public transportation;
- g. ensuring RTA safety staff and contractors meet training and qualifications requirements outlined in the Public Transportation Safety Certification Training Program;
- h. participating in safety meetings;
- i. ensuring that investigations are conducted to determine causality, and reviewing investigations of accidents/incidents/events as appropriate;
- j. providing guidance and input to the RTA safety implementation program;
- k. investigating any allegations of an RTA’s non-compliance with their safety plan.

B. Minimum Safety Standards. The SSOA reviews RTA documents to ensure minimum safety standards are met. These include but are not limited to the types of documents shown in the table below, in effect as of January 2024. Each

control document, including plans, policies, and procedures, is listed in the Procedures Manual with the date of its most recent update.

Types and Examples of RTA Minimum System Safety and Security Related Documents	
Document Type	Examples
Overarching Safety Plan	Agency Safety Plan (ASP)
Emergency Preparedness	All Hazards Plan (including Annex B: Infectious Disease); Continuity of Operations Plan (COOP)
Operations	Streetcar Operator Manual
Maintenance	Transit Asset Management (TAM) Plan, Rail Maintenance Plan
Administration	Employee Onboarding Handbook, Employee Code of Conduct, Procurement Manual, RTA Employee Safety and Health Handbook
Safety Policies	RTA Distracted Driving Policy (SAF2), RTA Safety Management Policy (SAF3)
Safety-Related SOPs	Safety Assurance of Safety Critical Areas (004-006), Working in Hot Weather (004-009), Accident/Incident Investigation Procedures

C. State Safety Oversight Program Standard.

1. Annual Review. The Procedures Manual includes provisions for the annual review and update of the SSOPS and all its supporting documents. An annual review schedule outlines the recurring tasks the SSOA will undertake to prepare for and execute this process, including reviewing changes to federal policy and industry safety standards, reviewing the agency’s updates to safety standards, incorporating revisions, verifying updates comply with federal rules, and submitting SSOPS revisions for adoption to the *Louisiana Administrative Code*.

2. Adoption and Distribution of Program Standard. The SSOA follows the *Louisiana Administrative Code* rule making SOP to formalize the updates to the SSOPS, which is included in the Appendix of the Procedures Manual. This process includes the review of any changes by DOTD’s Legal Department. The updated Program Standard is then submitted to FTA with the SSO’s Annual Report on or before March 15 of each year. The SSOA’s completed Program Standard review checklist is included in the Appendix of the Procedures Manual.

D. Safety Plan Review. RTA system safety program plan must be compliant with 49 CFR Part 673 and 49 USC § 5329(d). The SSOA reviews the safety plan for compliance with federal regulations within 30 calendar days of receipt. The SSOA’s completed ASP review checklist is included in the Appendix of the Procedures Manual.

E. Security and Emergency Preparedness Plan. 49 CFR Part 674 does not require the SSOA to oversee the development, revision or implementation of a Security and Emergency Preparedness Plan for the RTA. However, 49 CFR Part 673.11(a)(6) requires an agency to have an emergency preparedness plan. The SSOA supports the RTA in all aspects of its Security and Emergency Preparedness planning as it relates to the safety of the system, its employees, and passengers.

F. RTA Internal Audits. The Procedures Manual describes the timeline, materials, and communication to be used by the SSOA when conducting its review of the RTA’s

internal audits. The SSOA reviews and approves the internal audit report submitted by the RTA each year on or before March 15.

G. Triennial Audits of RTA. The SSOA will conduct an onsite audit of the RTA's implementation of its safety program at least once during each three-year cycle, and The SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The Procedures Manual includes details on the timeline for scheduling and conducting a triennial audit, the development and use of audit checklists, the tracking of findings, and the writing and distribution of the audit report.

H. Notification of Accidents

1. Requirements. The RTA is required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e., 49 CFR 674 Appendix A, also included in the Appendix of the Procedures Manual) or guidance under the National Public Transportation Safety Plan or other reporting guidelines. These guidelines for reportable accidents are communicated to the RTA through the Procedures Manual.

2. Two-hour Notification. In addition to the content described in SSOPS §1513, the Procedures Manual includes details about the notification form to be used by the RTA. The Manual's Appendix includes the most recent version of the form, which will be updated as needed and when requirements for accident reporting change as directed by FTA.

I. Investigations

1. Accident Investigations. The SSOA must investigate or require an investigation of any reportable accident and is ultimately responsible for the sufficiency and thoroughness of all investigation reports. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, be conducted jointly by the SSOA and RTA, or be conducted by a third party. The RTA's Accident/Incident Investigation procedures are developed by the RTA, approved by the SSOA, and reviewed annually against industry standard.

2. Reviewing Findings of Causation. For each RTA investigation, the SSOA will conduct an independent review of the RTA's findings of causation. This review is primarily based on the RTA's Accident Investigation SOP and communication between the SSOA and the RTA's Chief Safety, Security and Emergency Management Officer (CSSEM). In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation.

3. Reporting. The Procedures Manual details the required contents of all final accident reports produced by the RTA for the SSOA. The Procedures Manual's Appendix includes the RTA's current Investigation Report template, which includes all required components.

4. Other Incidents that Warrant Investigation. In certain cases, the SSOA or the RTA may determine that a formal investigation is necessary for events occurring at the RTA, even though such events may not meet accident reporting regulation criteria. These events may include hazards, significant operational incidents, significant failures of SMS, and other events that might, under other circumstances, lead to significant adverse events. RTA will

use its established investigation procedures and comply with all SSO requirements and requests for participation in such an investigation.

J. Confidentiality of Information. The Louisiana Public Records Act is currently provided for in R.S. 44:1 et seq. The SSOA generally cannot legally protect the confidentiality of accident investigation reports from discovery except when the report contains sensitive security information, or when otherwise exempted for in law, jurisprudence, and/or R.S. 44:1 et seq. Anyone can request public records and no purpose is required. The custodian of the records must respond to requests within three business days. The SSOA will handle all reportable information in accordance with all federal and state laws.

K. Corrective Action Plans. The Procedures Manual details the process by which CAPs are identified, developed, approved by the SSOA, implemented, tracked, and closed. The Procedures Manual also describes CAP log procedures the RTA must follow, including the requirement for an updated log to be shared with the SSOA every thirty days. A CAP log example is included in the Appendix of the Procedures Manual.

L. Annual Reporting to FTA

1. SSOA Reporting Requirements. The Procedures Manual details each of the documents that must be submitted by the SSOA to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA (through its State Safety Oversight Reporting Tool) on or before March 15 of each year.

2. RTA Reporting Requirements. The Procedures Manual describes the contents of the Annual Report the RTA will submit to the SSOA on or before February 15 of each year.

M. Risk-Based Inspection

1. Category 1: Authority to Perform Risk-Based Inspections. Category 1 includes the SSO's authority to access the RTA, capability to access the RTA, inspection frequencies, and SSO enforcement actions.

2. Category 2: Risk-Based Inspection Policies and Procedures. Category 2 of the Procedures Manual includes procedures for SSO staff and contractors to notify the RTA for inspections, conduct inspections with notice, and conduct inspections without notice. It also details inspection practices of publicly accessible areas, inspection practices for access and RTA escorts for non-publicly accessible areas, inspection safety certification and training, scheduling inspections, the contents of inspection reports, and procedures for immediate safety concerns. In addition, it includes procedures for event verification, ongoing monitoring, defects and corrective or remedial actions, and CAP and safety risk mitigation verification. All inspection policies and procedures pertain to the inspections of equipment, infrastructure, and practices specific to each RTA.

3. Category 3: Data Sources and Collection. Procedures in Category 3 include those for the RTA's data sharing of safety program data, maintenance data, inspection data, and additional safety data with the SSOA as required. It also includes data management policies for how data sets will be stored and used for analysis, where data sets will be stored, how the data will be organized, how long records

must be retained, how and when records are disposed, how the SSOA will ensure the system accurately stores records, and how the SSOA will protect security sensitive information.

4. Category 4: Inspection Prioritization. Procedures included are those that describe the prioritization of safety concerns to inform inspections, metrics used for inspection prioritization, safety concern prioritization rating procedures, inspection prioritization processes, and the continuous process for RBI prioritization.

5. Category 5: Risk-Based Inspection Commensurate with Number, Size, and Complexity of the RFGPTS. The SSOA conducts RBI tailored to the RTA's risk profile based on its size and complexity, as the SSOA only oversees only one rail transit agency. This category includes procedures for evaluating the rail system's size and complexity, performing consistent and ongoing risk-based inspections, and inspecting the full spectrum of activities at the RTA.

6. Category 6: SSO Staffing, Qualifications, and Training. To ensure adequate staffing and resources for the effective implementation and management of the RBI program, three elements will be reviewed and updated annually: the SSO Workload Assessment, Inspection Personnel Qualification Verification, and the SSOA's Technical Training Plan. Procedures for the use and update of these elements are included in Category 6 of the Procedures Manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R. Part 674; 49 U.S.C. §5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:928 (May 2018), amended by the Department of Transportation and Development, Office of Multimodal Commerce, LR, 51:

Glenn Ledet, Jr.
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2025-2026 Legal Firearms for Primitive Firearms Season

The Department of Wildlife and Fisheries wishes to modify the legal firearms for primitive firearms season to allow Disabled Veterans to hunt deer with any legal weapon during the primitive firearms season in each deer hunting area. This modification brings this regulation in line with what is allowed for youths 17 or younger and individuals 65 and older. The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission prioritize maximizing recreational opportunities for the sportsmen and women of the state.

In accordance with the provisions of R.S. 49:962.G which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to hunting seasons and all rules and regulations pursuant thereto, R.S. 56:6(25)(a), 56:115 and 56:116 which provide that the Wildlife and Fisheries Commission may set seasons and establish associated rules and regulations for hunting

resident game animals, the Wildlife and Fisheries Commission hereby adopts the following emergency rule amending the Legal Firearms for Primitive Firearms Season Regulations for the 2025-2026 season:

A. Legal Firearms for Primitive Firearms Season:

1. Disabled Veteran licensees or properly licensed hunters that meet the requirements of R.S. 56:3000.H(1) may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

This Declaration of Emergency shall become effective September 4, 2025, and remain in effect for the duration of the 2025-2026 Resident Game Hunting Season.

Kevin Sagrera
Chairman

2509#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2025-2026 Oyster Season on Public Areas of Louisiana

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, which allows the Wildlife and Fisheries Commission (commission) to use emergency procedures to set oyster seasons and under the authority of R.S. 56:433 and R.S. 56:435.1.1, which mandates that the commission shall set oyster seasons each year on the natural reefs, the commission does hereby set and declare the 2025/2026 oyster season in Louisiana state waters as follows:

The Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open to the harvest of seed oysters for bedding purposes at one-half hour before sunrise on Monday, September 8, 2025. The harvest of market oysters for direct sale shall not commence, as per R.S. 56:433.B(1), prior to Monday, October 13, 2025. The harvest of seed and market oysters shall close at one-half hour after sunset on Wednesday, April 1, 2026.

The Sister Lake Public Oyster Seed Reservation as described in R.S. 56:434 shall open for the harvest of seed oysters only for bedding purposes at one-half hour before sunrise on Monday, September 29, 2025, and shall close at one-half hour after sunset on the same day.

The portion of the Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.513, but including only the Department of Health Shellfish Harvest Areas 1 and 2, shall open for the harvest of seed oysters only for bedding purposes at one-half hour before sunrise on Monday, September 29, 2025, and shall close at one-half hour after sunset on Wednesday, October 1, 2025.

The Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.513, and north of the Mississippi River Gulf Outlet, which includes Department of Health Shellfish Harvest Areas 1, 2, 3, and 4, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 3, 2025, and shall close to the harvest of market oysters at one-half hour after sunset on Wednesday, April 1, 2026.

The Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.511, and south of the Mississippi River Gulf Outlet, which includes Department of Health Shellfish Harvest Area 5, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 3, 2025, and shall close to the harvest of market oysters at one-half hour after sunset on Friday, November 28, 2025.

The Sister Lake Public Oyster Seed Reservation as described in R.S. 56:434, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 3, 2025, and shall close to the harvest of market oysters at one-half hour after sunset on Friday, November 14, 2025.

The West Cove portion of the Calcasieu Lake Public Oyster Area, as described in R.S. 56:435.1.1, shall open at one-half hour before sunrise on Saturday, November 1, 2025, and the east side of the Calcasieu Lake Public Oyster Area shall open at one-half hour before sunrise on Thursday, January 1, 2026. These areas shall close at one-half hour after sunset on Thursday, April 30, 2026.

These actions shall not supersede public health closures as ordered by the Louisiana Department of Health.

During the 2025/2026 open oyster season, the following provisions shall be in effect:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster areas, seed grounds and reservations described above, except for those harvesting from the Vermilion/East and West Cote Blanche/Atchafalaya Bay Public Oyster Seed Grounds, shall be restricted to a daily limit of sacks of oysters per vessel. The daily limit shall not exceed 30 sacks of oysters per vessel and the possession limit shall be twice the daily limit for the Public Oyster Seed Grounds east of the Mississippi River. The daily and possession limits for the Sister Lake Public Oyster Seed Reservation shall not exceed 30 sacks of oysters per vessel per day. The daily and possession limits for Calcasieu Lake shall not exceed 15 sacks of oysters per vessel per day in aggregate between West Cove and the east side of the lake. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limits shall be based on the number of sacks used, not the size of the sack or other measures. The daily take and possession limit shall not apply to vessels harvesting seed oysters for bedding purposes, at such times and in such public oyster areas where the harvest of seed oysters is allowed. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit, and these properly-permitted vessels shall not harvest oysters while operating under the cargo permit.

2. All vessels harvesting on the open public oyster areas, seed grounds or reservations on Monday, September 29, 2025 through Wednesday, October 1, 2025, shall be harvesting seed oysters for bedding purposes only and shall not have sacks or other containers typically used to hold oysters on board the harvest vessel.

3. A vessel is limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both on the same day.

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

5. The harvest of seed oysters from public oyster areas, seed grounds or reservations shall be for the purpose of moving live oyster resource. The removal of more than 15 percent of non-living reef material in bedding loads is prohibited. All vessels shall allow on-board inspection and sampling of seed oyster loads by Department of Wildlife and Fisheries (LDWF) personnel.

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

7. All oysters harvested from public oyster areas, seed grounds or reservations for the purpose of direct sale shall measure a minimum of 3 inches from hinge to bill as described in R.S. 56:433.

8. Prior to leaving public oyster areas, seed grounds or reservations with oysters harvested from said areas, all oysters must be sacked, the number of sacks shall be recorded in a log book, and each sack shall be properly tagged, with the exception of bedding vessels harvesting seed oysters.

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

10. In Calcasieu Lake, oyster scrapers are prohibited. Oyster harvesting shall be limited to oyster tongs or by hand. Oyster tongs shall be made as a grasping device consisting of two pieces joined by a pivot or hinged like scissors used for picking up objects.

11. Every vessel harvesting oysters from the public oyster areas, seed grounds or reservations shall report harvest information to the department no later than 9 p.m. each day fished. Vessels shall provide the following information: Captain's name, date of harvest, oyster harvester number, vessel number, the total number of sacks harvested that day, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic Reporting shall be required and shall be performed in a manner prescribed by the department.

The following areas shall remain closed for the entire 2025/2026 oyster season:

1. The Hackberry Bay, Lake Mechant, Bay Junop and Bay Gardene Public Oyster Seed Reservations, as described in R.S. 56:434.

2. That portion of the Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.511, within the Department of Health Shellfish Harvest Areas 6 and 7.

3. The 2023 Drum Bay spat-on-shell broodstock reef with the following coordinates:

29 degrees 52 minutes 50.471 seconds, -89 degrees 16 minutes 38.502 seconds

29 degrees 52 minutes 54.871 seconds, -89 degrees 16 minutes 25.121 seconds

29 degrees 52 minutes 49.018 seconds, -89 degrees 16 minutes 21.173 seconds

29 degrees 52 minutes 44.382 seconds, -89 degrees 16 minutes 34.559 seconds

4. The Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII.517.

5. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII.521.

6. The 2024 Morgan Harbor Cultch Plant with the following coordinates:

29 degrees 49 minutes 00.15 seconds, -89 degrees 18 minutes 30.37 seconds

29 degrees 48 minutes 42.57 seconds, -89 degrees 18 minutes 13.44 seconds

29 degrees 49 minutes 34.91 seconds, -89 degrees 17 minutes 44.92 seconds

29 degrees 49 minutes 21.64 seconds, -89 degrees 17 minutes 25.17 seconds

7. The 2025 Sister Lake Cultch Plant with the following coordinates:

29 degrees 14 minutes 22.94 seconds, -90 degrees 55 minutes 25.09 seconds

29 degrees 14 minutes 40.10 seconds, -90 degrees 54 minutes 11.51 seconds

29 degrees 14 minutes 01.18 seconds, -90 degrees 55 minutes 20.90 seconds

29 degrees 14 minutes 14.40 seconds, -90 degrees 54 minutes 00.36 seconds

8. The 2025 Three Mile Pass spat-on-shell reef with the following coordinates:

30 degrees 03 minutes 41.652 seconds, -89 degrees 21 minutes 56.513 seconds

30 degrees 03 minutes 41.652 seconds, -89 degrees 22 minutes 06.904 seconds

30 degrees 03 minutes 26.487 seconds, -89 degrees 22 minutes 06.904 seconds

30 degrees 03 minutes 26.487 seconds, -89 degrees 21 minutes 56.513 seconds

9. Oyster harvest on the Sabine Lake Public Oyster Area is prohibited as described in R.S. 56:435.1.

10. Oyster harvest is prohibited on artificial reef sites, as described in LAC 76:VII.537.

The secretary of LDWF is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring, to delay the season or close areas where significant spat catch has occurred with good probability of survival, where it is found that there are excessive amounts of non-living reef material in seed oyster loads, if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

2. Adjust daily take and/or possession limits as biological or enforcement data indicate a need.

3. Adjust sacking-only areas and/or restrict the taking of seed oysters as biological or enforcement data indicate a need.

4. Reopen an area previously closed if the threat to the resource has ended, or open areas if substantial oyster resources are located.

Prior to any action, the secretary shall notify the chair of the commission of the intention to make any or all of the changes indicated above.

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

Kevin Sagrera
Chairman

2509#013

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2025-2026 Seasons and Regulations on Bogue Chitto and Flatwoods Savanna Wildlife Management Areas

The Department of Wildlife and Fisheries acquired the tract referred to as Flatwoods Savanna Wildlife Management Area (WMA) March 10, 2025 and the tract referred to as Bogue Chitto WMA July 1, 2025. The Wildlife and Fisheries Commission adopted a resolution officially making the tracts each a WMA on July 8, 2025. The two primary objectives for Flatwoods Savanna and Bogue Chitto WMA are to provide the necessary habitats to deliver conservation priorities in the state, and to provide lands for public recreation.

As with all department managed properties, the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission prioritize maximizing recreational opportunities for the sportsmen and women of the state.

In accordance with the provisions of R.S. 49:962.G which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to hunting seasons and all rules and regulations pursuant thereto, R.S. 56:6(25)(a), 56:115 and 56:116 which provide that the Wildlife and Fisheries Commission may set seasons and establish associated rules and regulations for hunting resident game animals, the Wildlife and Fisheries Commission hereby adopts the following emergency rule amending the WMA Rules and Regulations for the 2025-2026 season:

A. Bogue Chitto WMA:

1. Deer: same as outside, Archery only, either-sex.

2. Small Game and Waterfowl: same as outside. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

3. Raccoon (nighttime): February 1-28.

4. Vessels: Internal combustion engines prohibited. Trolling motors allowed.

B. Flatwoods Savanna WMA:

1. Deer: same as outside, Archery only, either-sex.
 2. Small Game and Waterfowl: same as outside.
- Beagles allowed for rabbits and dogs allowed for squirrel hunting first Saturday of January to the last day of February.

This Declaration of Emergency shall become effective September 4, 2025, and remain in effect for the duration of the 2025-2026 Resident Game Hunting Season.

Kevin Sagrera
Chairman

2509#014

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Rules of Professional Conduct (LAC 46:LXXXV.813, 1203, 1205, 1207, 1217)

Editor's Note: The following sections are being repromulgated in order to notify the public of the review of LAC 46:LXXXV.Chapters 8 and 12 in accordance with 2022 Louisiana Administrative Code Review.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and the 2022 Louisiana Administrative Code Review, the Board ("Board") of Veterinary Medicine has conducted a comprehensive review of Rules 813, 1203, 1205, 1207, and 1217 and intends to notify the public with this repromulgation of the sections below as is. The historical notes shall be updated to reflect the review of these rules. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 8. Registered Veterinary Technicians

§813. Revoked Certificate

A. A registered veterinary technician whose certificate has been revoked under the provision of R.S. 37:1544.B may be reinstated by the board after proof that the failure to renew was not a willful or evasive act upon payment of the accrued fees and a penalty imposed by the board not exceeding twice the amount of delinquent fees.

B. Any certificate that was revoked for those causes enumerated in R.S. 37:1544.A.(1-12) shall be brought before the board.

C. The identifying number of a revoked certificate of approval shall not be issued to any person other than the original applicant.

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 16:227 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1342 (September 2025).

Chapter 12. Certified Animal Euthanasia Technicians

§1203. Examinations

A. The board may formulate, administer and grade an examination (herein defined as such written examination, oral interviews, and/or practical demonstrations as the board may request or require) or may select an agency whose qualifications for performing any or all of these functions are recognized by the board and charge said agency with the formulation, administration and/or grading of the examination.

B. All applicants for full certification must take and pass the examination(s) adopted by the board.

C. The administration of the examination(s) shall be in accordance with rules, practices, policies, or procedures prescribed by the board or by the designees of the board or by any person or person with whom the board may have contracted to administer said exam. The exam may be administered by members of the board or any of the agents, employees, or designees of the board.

D. The examination may be prepared, administered and graded by the members of the board 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 board.

E. The course shall consist of presentations in the areas of legal concerns (Veterinary Practice Act), record-keeping requirements (Veterinary Practice Act and DEA), human safety, and a general knowledge of sodium pentobarbital and proper euthanasia techniques.

F. The administration of the course shall be in accordance with rules, practices, policies, or procedures prescribed by the board or its designees. Instruction may be provided by the members of the board or any agent, employee, or designee of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1342 (September 2025).

§1205. Passing Scores

A. A passing score on any written and/or oral portions of the examination shall be deemed to be the correct answering of 70 percent of the questions contained on that portion of the examination.

B. A passing grade on the practical portion of the examination will be determined by the successful completion of a series of hands-on demonstrations which indicate that the applicant has been properly trained in procedures which will enable him to safely and effectively perform humane euthanasia with sodium pentobarbital.

C. Applicants who fail to achieve a passing score on any portion of the examination, either written or practical, will not be eligible for a certificate of approval nor may they apply for a temporary certificate of approval.

D. Appeals concerning the examination must be made in writing to the board within 30 days of the administration of the examination. All such formal appeals will be reviewed at the next available meeting of the board. The board may call witnesses and/or hold public hearings as it deems necessary although it is not required to do so unless otherwise specified by statute. The decision of the board regarding such appeals is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1425 (November 1993), amended LR 26:318 (February 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1342 (September 2025).

§1207. Certificates without Examination

A. The board shall not issue full certificates of approval without examination under any circumstances, except as provided in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1425 (November 1993), amended LR 26:318 (February 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1343 (September 2025).

§1217. Revoked Certificate

A. A person whose certificate of approval has been revoked pursuant to R.S. 37:1554 must reapply for a new certificate.

B. A person whose certificate of approval has been revoked pursuant to R.S. 37:1554 shall not be issued a new certificate unless approved by a majority of the quorum of the board.

C. The identifying number of a revoked certificate of approval shall not be issued to any person other than the original holder of that number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:319 (February 2000), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:1343 (September 2025).

Jared B. Granier
Executive Director

2509#002

RULE

Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies Gulf of America (LAC 28:CXXI.1103 and 1303)

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:CXXI in *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies*. The revisions are made in response to Presidential Executive Order 14172 of January 20, 2025. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CXXI. Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

Chapter 11. Grade 4—The Ancient World

§1103. Standards

A. - S. ...

1. Identify and locate geographical features in the Americas, including Mississippi River and Delta, Amazon River, the Pacific Ocean, Appalachian Mountains, Gulf of America, Atlantic Ocean, South America, and the Yucatan Peninsula.

2. - 7. ...

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 48:1769 (July 2022), amended LR 51:1343 (September 2025).

Chapter 13. Grade 5—The Medieval to the Early Modern World

§1303. Standards

A. - M. ...

1. Identify and locate the geographical features of the Americas, including the Andes Mountains, Appalachian Mountains, Great Plains, Pacific Ocean Mountains, Gulf of America, Rocky Mountains, Atlantic Ocean, Mississippi River, Amazon River, South America, Caribbean Sea, North America, Yucatan Peninsula, and the Central Mexican Plateau.

M.2. - N.7....

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 48:1772 (July 2022), amended LR 51:1343 (September 2025).

Tavares A. Walker
Executive Director

2509#042

RULE

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

Home and Community-Based Services Waivers
Adult Day Health Care Providers—Cost Reporting
(LAC 50:XXI.711)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXI.711 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted of the day of promulgation.

Title 50

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

Subpart 1. General Provisions

**Chapter 7. Reimbursement Methodology
Subchapter B. Adult Day Health Care Providers**

§711. Cost Reporting

A. - C. ...

D. Annual Reporting. Cost reports are to be filed on or before November 30 following the close of the cost reporting period. Should the due date fall on a Saturday,

Sunday, or an official state or federal holiday, the due date shall be the following business day. The cost report forms and schedules must be filed with one copy of the following documents:

D.1. - M.2....

N. Delinquent Cost Report. When an ADHC provider fails to submit a cost report by the due date, a penalty of 5 percent of the average monthly payment will be imposed. The average monthly payment will be determined using the payments that were paid to the ADHC provider during the cost reporting period covered in the delinquent cost report. The penalty will increase by 5 percent for each successive month until the cost report is submitted. The late filing penalty is non-refundable and not subject to an administrative appeal.

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, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:1114 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 51:399 (March 2025), LR 51:1343 (September 2025).

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.

Bruce D. Greenstein
Secretary

2509#045

RULE

Department of Health Health Standards Section

Nurse Aide Training and Competency Evaluation Program Licensing Standards (LAC 48:I.Chapter 100)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and P.L. 100-203. This Rule has been 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 100. Nurse Aide Training and Competency Evaluation Program

Subchapter C. Nurse Aide Registry

§10033. General Provisions

A. - B. ...

C. Employers shall use the registry to determine if a prospective hire is a certified nurse aide (CNA) and to check if there is a finding placed on the registry that he/she has abused or neglected a resident, or misappropriated a resident's property or funds.

1. Employers shall ensure checks of the following databases prior to making an offer of employment or offer to contract with a CNA:

- a. Louisiana certified nurse aide registry (LCNAR);
- b. Louisiana adverse actions list; and
- c. Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE).

2. Once a CNA is hired or contracted, the employer shall ensure monthly checks of the below databases:

- a. LCNAR;
- b. Louisiana adverse actions list; and
- c. OIG's LEIE.

3. If a finding exists on the LCNAR, the Louisiana adverse actions list, and/or the OIG's LEIE, the employer shall not continue to employ or contract with the CNA.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2078 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1246 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1936 (November 2023), amended by the Department of Health, Health Standards Section, LR 51:1344 (September 2025).

Subchapter D. Provider Participation

§10045. Employer Responsibilities

A. ...

B. A person shall not be employed or contracted to work as a CNA or CNA trainee if there is a final administrative or judicial court decision that the CNA or CNA trainee has:

1. committed abuse, neglect, or mistreatment of the elderly, infirm, or nursing facility resident;
2. misappropriated a resident's property;
3. been convicted of a non-hirable offense as specified in R.S. 40:1203.3; or
4. a finding of abuse, neglect, or misappropriation of a resident's property on the:

- a. LCNAR;
- b. Louisiana adverse actions list; and/or
- c. OIG's LEIE.

C. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2079 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:1344 (September 2025).

Subchapter E. Violations

§10059. Notice of Violation

A. When there are substantiated charges against the CNA, either through oral or written evidence, the department shall notify the individual(s) implicated in the investigation of the following information by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNAs last known address, or to the CNA's electronic mail address as reflected on the LCNAR:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and the Omnibus Budget Reconciliation Act of 1987, P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2079 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:1344 (September 2025).

§10061. Informal Dispute Resolution

A. When a nurse aide feels that he/she has been wrongly accused, the following procedure shall be followed.

1. The CNA may request an informal dispute resolution (IDR) within 15 calendar days after the delivery or documented attempted delivery of the department’s notice of violation by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNA’s last known address, or to the CNA’s electronic mail address as reflected on the LCNAR. The request for an IDR must be made to the department in writing.

2. - 4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2080 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:1345 (September 2025).

Subchapter F. Administrative Hearings

§10071. General Provisions

A. The CNA may request an administrative hearing within 30 calendar days after the delivery or documented attempted delivery of the department’s notice of violation by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNA’s last known address, or to the CNA’s electronic mail address as reflected on the LCNAR, of the department’s notice of violation or the notice of the results of an IDR.

A.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2080 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1248 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:1345 (September 2025).

Bruce D. Greenstein
Secretary

2509#050

RULE

**Department of Health
Health Standards Section**

Nurse Aide Training and Competency Evaluation Program
Licensing Standards (LAC 48:I.10001 and 10015)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.10001 and §10015 as authorized by R.S. 36:254 and P.L. 100-203. This Rule has 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 100. Nurse Aide Training and Competency
Evaluation Program**

Subchapter A. General Provisions

§10001. Definitions

Didactic Teaching—a teaching method that focuses on teachers giving lessons to students. Typically, teachers who use didactic teaching create structured lessons that focus on lectures.

Real-Time Learning—students and teachers work together at the same time and in the same place, face to face either via traditional school classroom or an online space that acts as a virtual classroom.

Virtual Classroom—a learning environment where students and instructors interact through the use of internet-based platforms, such as video conferencing software or learning management systems, to engage in live, synchronous educational sessions. Virtual classrooms may include tools such as chat, polls, shared document editing, and real-time learning, but exclude hands-on laboratory, skills, and/or clinical practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2074 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1242 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1936 (November 2023), amended by the Louisiana Department of Health, Health Standards Section, LR 51:1345 (September 2025).

Subchapter B. Training and Competency Requirements

§10015. Training Curriculum/Program Approval

A. - B.2. ...

C. Curriculum Competencies. The training program shall be conducted to ensure that each nurse aide, at a minimum, is able to demonstrate competencies in the following areas:

C.1. - 9. ...

D. Program Approval

1. - 2. ...

3. All schools applying for approval shall identify the physical or virtual locations used for classroom instruction and physical location for the clinical experience. Non-facility based programs shall also submit clinical contracts which meet the guidelines established by the department.

4. - 6. ...

E. Virtual Classroom Training

1. Nurse aide training and competency evaluation programs may include virtual classroom training for theory or didactic portions of the program, excluding skills, laboratory, and/or clinical instruction.

2. Virtual classroom training must meet the following requirements:

a. Equipment Requirements

i. The program must ensure that learners have access to necessary equipment, including a computer or tablet with internet access, microphone, and camera for real-time learning with instructors.

ii. The platform used for virtual learning must allow for secure, real-time communication between the instructor and the learner and facilitate the delivery of course materials.

b. Attendance Verification

i. The program must implement a system to verify student attendance in virtual classrooms. This may include but is not limited to, logging into the virtual classroom platform, engaging with content, and participating in live sessions.

ii. The program must retain attendance records, and students must log in at the start of each session. Students must also be required to complete periodic quizzes or assignments to verify engagement.

c. Monitoring and Maintaining Integrity

i. The program must employ methods for monitoring student participation during virtual training to maintain academic integrity. These may include video surveillance, proctored exams, or other forms of verification to ensure that the enrolled student is participating.

ii. The program must have a system for tracking and reporting non-participation or disruptive behavior by a student, which may include withdrawal or other corrective measures.

d. Instructor Qualifications

i. Instructors for virtual classroom training must meet the same qualifications as those required for in-person instruction, including but not limited to, necessary certifications, experience, and familiarity with the virtual teaching platform.

3. Programs that incorporate virtual classroom training must submit a detailed plan, to include the department's approved curriculum, for how virtual learning will be implemented and monitored. The plan must include

the types of courses delivered in the virtual classroom, the software platforms used, and methods for ensuring academic integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2075 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Financing LR 38:1242 (May 2012), repromulgated LR 38:1410 (June 2012), amended by the Department of Health, Health Standards Section, LR 51:1346 (September 2025).

Bruce D. Greenstein
Secretary

2509#051

RULE

Department of Health Licensed Professional Counselors Board of Examiners

Certificate of Completion for LPC-S Renewal (LAC 46:LX.707)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners requires LPC Board-Approved Supervisor to complete the bi-annual supervisor orientation as part of their renewal requirements. The Licensed Professional Counselors Board of Examiners hereby amends Chapter 7, Section 707 for publication in the September 20, 2025, edition of the *Louisiana Register* with the effective date of April 1, 2026. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 7. Application and Renewal Requirements for Licensed Professional Counselors

§707. Renewal Requirements for Licensed Professional Counselors and Board Approved Supervisors

A. ...

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two years. Of the 40 clock hours of continuing education, three clock hours must be accrued in ethics, three hours must be accrued in social and cultural foundations, and six clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders 5*, as published by the American Psychiatric Association). A board-approved supervisor must accrue three clock hours (of the required 40 clock hours of continuing education) in supervision and complete the bi-annual supervisor orientation provided on the website.

A.2. - D. 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:719 (April 2015); amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 50:1851 (December 2024), effective April 1, 2027; repromulgated LR 51:403 (March 2025), amended LR 51:1346 (September 2025), effective April 1, 2026.

Jamie S. Doming
Executive Director

2509#036

RULE

Department of Health Licensed Professional Counselors Board of Examiners

Teaching Continuing Education for LPCs
(LAC 46:LX.707)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners permits Licensed Professional Counselors (LPCs) to obtain continuing education hours by teaching coursework.

The Licensed Professional Counselors Board of Examiners hereby amends Chapter 7, Section 707 for publication in the September 20, 2025, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Professional Counselors

Subpart 1. Licensed Professional Counselors

Chapter 7. Application and Renewal Requirements for Licensed Professional Counselors

§707. Renewal Requirements for Licensed Professional Counselors and Board Approved Supervisors

A. - B.2.i. ...

j. Teaching a clinical mental health counseling course that is included in one of the 14 approved content areas (§707.C), in an institution accredited by a regional accrediting association. 10 hours of continuing education may be earned for the first time the individual teaches the course, or 5 hours of continuing education may be earned if the individual is teaching the course after the first time.

C. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:719 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 50:1851 (December 2024), effective April 1, 2027, repromulgated LR 51:403 (March 2025), amended LR 51:1347 (September 2025).

Jamie S. Doming
Executive Director

2509#037

RULE Department of Health Office of Public Health

Commission for the Deaf
(LAC 67:VII.309)

In accordance with R.S. 46:2352(B) and with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health (LDH) has amended LAC 67:VII.309.B to provide for the roles and functions of the Louisiana Commission for the Deaf Board. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 3. Commission for the Deaf

§309. Louisiana Commission for the Deaf Board of Commissioners

A. Name. The name shall be the Louisiana Commission for the Deaf Board of Commissioners, hereinafter referred to as the "board of commissioners".

B. The role and function of the Louisiana Commission for the Deaf board of commissioners are as follows:

1. to support the work of the commission by making recommendations to the commission regarding its programs, policies, procedures, regulations, rules and criteria on behalf of d/Deaf, DeafBlind, and hard of hearing communities and their families;

2. to advocate for the general welfare, needs, and rights of d/Deaf, DeafBlind, and hard of hearing individuals in this state through education, advising, informing, and promoting relevant laws, policies, and practices which support the eradication of barriers and discrimination affecting individuals who are d/Deaf, DeafBlind, and hard of hearing; and

3. to create standing committees, ad hoc committees, or task forces as needed to assist in carrying out the above objectives.

a. The duties of all such committees shall be to identify, inform, and/or research needs, actions, policies, or laws relevant to the constituent group of the commission, unless otherwise defined by the board of commissioners.

b. Committees may include current board of commissioner members and/or nonmembers. Composition of committees shall be a maximum of nine individuals and should generally reflect state-wide representation, if possible.

c. Terms of membership for committees shall be at the discretion of the board of commissioners and identified at the time of creation.

d. A person may be eligible for appointment to the committee if their position, knowledge, or experience qualifies them to represent the concerns, needs, and recommendations of the Deaf, DeafBlind, hard of hearing community and/or the sign language interpreter workforce in Louisiana. The board of commissioners may specify additional qualification requirements.

e. The executive director may participate at the discretion of the chair in the deliberations of all committees as a nonvoting member, with the exception of the Executive Director Evaluation Committee.

C. The following standing committee shall be overseen by the board of commissioners.

1. Executive Committee. The composition of the executive committee shall be comprised of the elected officers of the board of commissioners (chair, vice-chair, and secretary).

2. The purpose of the executive committee shall be to:

a. Establish the agenda for public meetings of the board of commissioners with the support of the executive director.

b. Respond to urgent matters that preclude the entire board of commissioners assembling. Decisions made by the executive committee must be ratified by the board of commissioners at its next meeting.

c. Participate in hiring process of the executive director for the Louisiana Commission for the Deaf Program make the following recommendations to the secretary of the Louisiana Department of Health, as prescribed by law:

i. qualifications, job duties and responsibilities, and salary of the executive director position.

ii. participate in interviews to fill the executive director position; recommend candidate.

iii. inform strategic goals for the executive director.

iv. inform performance review of the executive director bi-annually. The process for review shall be as follows:

(a). review initial goals;

(b). gather input from the board of commissioners on the executive director's performance;

(c). receive executive director's self-evaluation

(d). combine input and draft a summary of the findings;

(e). meet with executive director to review findings

(f). submit final report to board of commissioners for review;

(g). submit final report to secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2352(B).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:93 (February 1987), amended LR 17:388 (April 1991), repromulgated LR 21:589 (June 1995), amended by the Department of Health, Office of Public Health, LR 49:1398 (August 2023), amended by the Department of Health, Office of Public Health, LR 51:1347 (September 2025).

Bruce D. Greenstein
Secretary

2509#070

RULE

Department of Health Office of Public Health

State Sign Language Interpreter Certification Standards (LAC 67:VII.1301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health (LDH) has repealed LAC 67:VII.1301 in its entirety to

remove current rules that provide for State Sign Language Interpreter Certification Standards. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 13. State Sign Language Interpreter Certification Standards

§1301. Certification Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2351-2354 and 46:2361-2374.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 17:389 (April 1991), amended LR 18:968 (September 1992), LR 19:905 (July 1993), LR 21:838 (August 1995), LR 26:1489 (July 2000), repealed by the Department of Health, Office of Public Health, LR 51:1348 (September 2025).

Bruce D. Greenstein
Secretary

2509#071

RULE

Department of Treasury Board of Trustees of the Louisiana State Police Retirement System

Disability Accommodations for Open Meetings (LAC 58:IX.401)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted by R.S. 42:14(E), that the Board of Trustees of the Louisiana State Police Retirement System has added LAC 58:IX.401, Disability Accommodations for Open Meetings. This Rule is hereby adopted on the day of promulgation.

Title 58

RETIREMENT

Part IX. State Police Retirement System

Chapter 4. Disability Accommodations for Open Meetings

§401. Disability Accommodations

A. Louisiana State Police Retirement System provides for participation via electronic means on an individualized basis for any person with a disability.

B. A person with a disability is defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

2. a designated caregiver of such a person; or

3. a participant member of the agency with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number, and email address of the agency representative to whom disability accommodation requests may be submitted. Any accommodation request shall be made no later than 24 hours in advance of the scheduled meeting.

D. Upon receipt of an accommodation request, the designated agency representative may ask only if the

requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no).

E. The requestor shall be provided with an accommodation, including any teleconference or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. All disability accommodation requests, whether submitted by telephone or email, shall be documented and included in the system's annual mandatory report pursuant to R.S. 46:2596.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Louisiana State Police Retirement System, LR 51:1348 (September 2025).

Margaret Corley Michel
Executive Director

2509#021

RULE

Department of Treasury Board of Trustees of the Louisiana State Police Retirement System

Procedures for Election of Louisiana State Police
Retirement System Trustees (LAC 58:IX.301 and 303)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted by R.S. 11:1302(B), that the Board of Trustees of the Louisiana State Police Retirement System has amended LAC 58:IX.301 and 303 in the Procedures for Election of Louisiana State Police Retirement System Trustees.

The board of trustees has amended the time frames in the election procedures for filling a position on the board with a term ending December 31 by providing for each step to occur two months earlier. This Rule is hereby adopted on the day of promulgation.

Title 58 RETIREMENT

Part IX. State Police Retirement System

Chapter 3. Procedures for Election of Louisiana State Police Retirement System Trustees

§301. General Election Procedures

A. The director shall issue to the Louisiana State Police Retirement System membership a notice of each trustee office to be filled in the following timeframe:

1. between the first Monday in June and the third Monday in June, for a position with term ending December 31, via mail, with qualifying form attached and placed on the website, such form to require applicant's name, date started in system, and for which seat the applicant is qualifying;

2. ...

B. Candidates shall submit in writing to the director their intention to run for a specified office between in the following timeframe:

1. the fourth Monday in June and the second Monday in July, for a position with term ending December 31; and

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1302(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Police Retirement System, LR 42:1961 (November 2016), amended LR 51:1349 (September 2025).

§303. Ballots, Count, Tabulation, Posting, Oath of Office

A. The director shall compile a ballot for each office to be filled. Ballots shall be mailed to the membership at their home addresses in the following timeframe:

1. beginning the fourth Monday of July through the second Monday of August, for a position with term ending December 31;

2. beginning the fourth Monday of March through the second Monday of April for a position with term ending June 30:

A.2.a. - A.2.c. ...

d. the director shall inform each member in this mailing that results of the vote shall be promulgated on the system's website in late September or early October (for a position with term ending December 31) or late May or early June (for a position with term ending June 30);

e. voted ballots shall be accepted through the fourth Monday in August at 4:30 p.m. (for a position with term ending December 31) or through the fourth Monday in April at 4:30 p.m. (for a position with term ending June 30);

A.2.f. ...

B. Ballots shall be held inviolate by the director.

1. The director shall call a special meeting of the retirement staff, and notify the public by placing notice on the system's website that anyone may attend, at which time the retirement staff shall count and tabulate ballots between September 1 and October 10 (for a position with term ending December 31) and between May 1 and June 10 (for a position with term ending June 30).

B.2. - C.1.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1302(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Police Retirement System, LR 42:1961 (November 2016), amended LR 51:1349 (September 2025).

Margaret Corely Michel
Executive Director

2509#022

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Chronic Wasting Disease Control Areas
(LAC 76:V.137)

The Wildlife and Fisheries Commission hereby amends the Rules and Regulations for Chronic Wasting Disease ("CWD") Control Areas by reducing the portions of the existing Control Area where supplemental feeding and baiting is prohibited and adding new areas to the Control Area due to a recent CWD confirmed case found in a harvested white-tailed deer in Catahoula Parish. This Rule is hereby adopted on the day of promulgation.

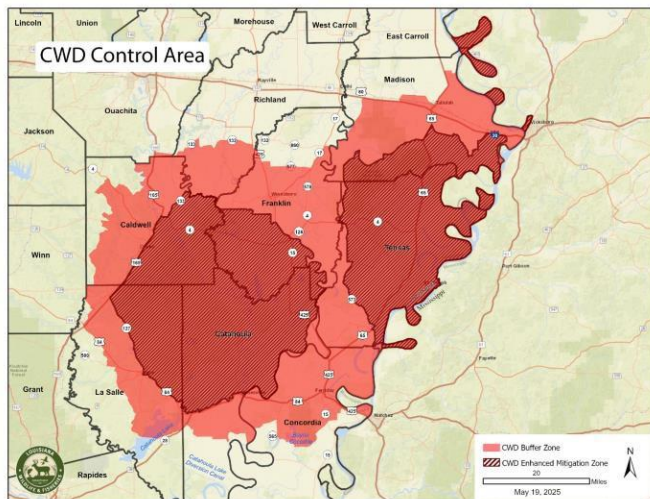
Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 1. Wild Quadrupeds
§137. Rules and Regulations for Chronic Wasting
Disease Control Areas

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou “reindeer”, fallow deer, axis deer, sika deer, and red deer.

Chronic Wasting Disease (CWD)—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, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

Control Area—a designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The Control Area is established and defined by the map below:



B. Supplemental feeding, baiting, placement of bait, or hunting over bait is prohibited within the portion of the CWD Control Area designated as the CWD Enhanced Mitigation Zone. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. Supplemental feeding and baiting is allowed in the portion of the CWD Control Area designated as the CWD Buffer Zone, but only by non-stationary, mechanical or electronic broadcast methods. The use of bait not normally ingested by deer is allowed for feral hog trapping, or by holders of bear harvest permits during the designated bear baiting period.

C. The export of any cervid carcass or part of a cervid carcass originating within a designated CWD Control Area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat

with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

D. Approved parts transported out of the CWD Control Area must be legally possessed. Approved parts must contain a possession tag with the hunter’s name, address, LDWF license number, parish of harvest, date of harvest, and sex of deer. All cervid parts transported out of the Control Area that are in violation of the provisions of this ban shall be seized and disposed of in accordance with the Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules.

E. LDWF shall establish a permitting system to allow for uncleaned cervid heads to be transported out of the Control Area solely for taxidermy purposes by waiver.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2190 (August 2022), amended LR 51:1350 (September 2025).

Tyler M. Bosworth
Secretary

2509#028

RULE

Workforce Commission
Office of Unemployment Insurance Administration

Benefits for Domestic Violence Victims
(LAC 40:IV.Chapter 5)

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:304 and R.S. 23:1653, notice is hereby given that the Workforce Commission has repealed LAC 40:IV.501-513 relative to unemployment benefits for victims of domestic violence. The statutory authorization for unemployment benefits to victims of domestic violence found under R.S. 23:1771-1776, was repealed by Act No. 834 of the 2012 Reg. Session. The repeal of LAC 40:IV.501-513 serves to eliminate outdated rules that no longer have statutory authority. This Rule is hereby adopted on the day of promulgation.

Title 40

LABOR AND EMPLOYMENT

Part IV. Louisiana Workforce Commission

Subpart 1. Board of Review

Chapter 5. Lost Wage Benefits for Domestic Violence Victims

§501. Terminology Pertaining to Lost Wages for Domestic Violence Victims

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2663 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1350 (September 2025).

§503. Administration of Funds

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2663 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§505. Manner of Distribution

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2663 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§507. Maximum Benefit Amount

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2663 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§509. Filing Period

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2663 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§511. Deductions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2664 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§513. Availability of Claimant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1653-1654, R.S. 23:1770-1775 and R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Unemployment Insurance Administration, LR 33:2664 (December 2007), repealed by Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

Susana Schowen
Secretary

2509#008

RULE

**Workforce Commission
Office of Unemployment Insurance Administration**

**Computation of Time
(LAC 40:IV.107 and 109)**

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:304 and R.S. 23:1653, notice is hereby given that the Louisiana Workforce Commission has amended LAC 40:IV.107 and 109 relative to computation of time periods established by rule that affect appeals and reopenings of administrative decisions of the Office of Unemployment Administration. Currently, the rules provide that weekends and holidays be counted for computing time delays, except when the final day falls on a weekend or holiday. With the 2019 changes to C.C.P. art. 5059, legal holidays must be excluded when the time delay is associated with appeals and requests for rehearing or reopening. The amendments to the Rule will implement these changes. This Rule is hereby adopted on the day of promulgation.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Subpart 1. Board of Review

Chapter 1. General Provisions

§107. Computation of Time—Saturdays, Sundays and Holidays

A. Whenever these rules prescribe a time for the performance of any act, except as provided in §109, Saturdays, Sundays and legal holidays (half holiday is considered a legal holiday) in the state of Louisiana shall count as any other days, except that when the time prescribed for the performance of an act expired on Saturday, Sunday or a legal holiday in Louisiana, such time shall extend to and include the next succeeding day that is not a Saturday, Sunday or such legal holiday, provided that, when the time for performing any act is prescribed by statute, nothing in these rules shall be deemed to be a limitation or extension of the statutory time fixed.

AUTHORITY NOTE: Promulgated in accordance with Act 97 of 1936 as amended.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:485 (June 1989), amended by the Department of Employment and Training, Board of Review, LR 17:36 (January 1991), amended by the Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

§109. Appeals to the Appeals Tribunal and Board of Review

A. - B....

C. Legal holidays and days on which the Louisiana Workforce Commission is closed shall serve to extend the delay periods specified in R.S. 23:1629, R.S. 23:1630, and §113, in accordance with C.C.P. art. 5059.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:485 (June 1989), amended by the Department of Employment and Training, Board of Review, LR 17:36 (January 1991), amended by the Workforce Commission, Office of Unemployment Insurance, LR 39:2312 (August 2013), repromulgated LR 39:3101 (November 2013), amended by the Workforce Commission, Office of Unemployment Insurance Administration, LR 51:1351 (September 2025).

Susana Schowen
Secretary

2509#009

RULE

**Workforce Commission
Office of Unemployment Insurance Administration**

**Overpayment Recovery
(LAC 40:IV.371)**

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:304 and R.S. 23:1653, notice is hereby given that the Workforce Commission has amended LAC 40:IV.371 relative to overpayment recovery of unemployment benefits. Currently, overpaid claimants can enter into a repayment plan within 30 days of the mailing via United States Postal Service of the plan. The amendment to the Rule would allow the Workforce Commission to transmit payment plans electronically. This Rule is hereby adopted on the day of promulgation.

Title 40

LABOR AND EMPLOYMENT

Part IV. Louisiana Workforce Commission

Subpart 1. Board of Review

Chapter 3. Employment Security Law

§371. Overpayment Recovery

A. - A.2 ...

* * *

B. The initial payment and signed repayment agreement must be received within 30 days from the day that the repayment agreement is sent electronically or mailed to the individual's last known address. Subsequent payments are to be paid in monthly installments which commence no later than 30 days after the initial payment is received, and are due thereafter each month until paid in full.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:304 and R.S. 23:1653.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:1085 (December 1989), repromulgated LR 17:48 (January 1991), amended by the Workforce Commission, Office of Unemployment Insurance, LR 39:2316 (August 2013), amended by the Workforce Commission, Office of Unemployment Insurance Administration, LR 40:1118 (June 2014), amended LR 51:1352 (September 2025).

Susana Schowen
Secretary

2509#010

RULE

**Workforce Commission
Rehabilitation Services**

**Disability Accommodations for Public Meetings
(LAC 67:VII.123 and 529)**

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:304 and Act No. 393 of the 2023 Regular Legislative Session, effective August 1, 2023 (former SB No. 201), notice is hereby given that the Louisiana Workforce Commission, Louisiana Rehabilitation Services has adopted LAC 67:VII.123 and 529 relative to Disability Accommodations for Public meetings and relative to its Electronic Meetings policy.

Act 393 of the 2023 Regular Legislative Session, effective August 1, 2023, required each public body that has the capability to allow any member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person to participate in its meetings via teleconference or video conference as defined in R.S. 42:17.2 and to adopt rules, regulations, and procedures to regulate and facilitate participation via teleconference or video conference for any person who, prior to the meeting, requests that accommodation. In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Workforce Commission, Louisiana Rehabilitation Services, adopts LAC 67:VII.123 and 529 to provide accommodations, upon request, to people with ADA recognized disabilities to participate in open meetings held by the LWC and its departments. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§123. Disability Accommodations for Public Meetings

A. The Louisiana Rehabilitation Services (LRS) is obligated to provide for participation in an open meeting via electronic means on an individualized basis by any person with a disability upon request.

B. For purposes of this Chapter, a person with a disability is defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Louisiana Rehabilitation Services shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. Upon receipt of an accommodation request, the designated LRS representative will ask if the requestor has an ADA-qualifying disability or is a caregiver of such person. The requestor will not be required to complete a

medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

E. The designated LRS representative shall provide the requestor with the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and R.S. 36:304.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Rehabilitation Services, LR 51:1352 (September 2025).

Chapter 5. Business Enterprise Program Manual

§529. Disability Accommodations for Public Meetings

A. The Louisiana Rehabilitation Services is obligated to provide for participation in an open meeting via electronic means on an individualized basis by any person with a disability upon request.

B. For purposes of this Chapter, a person with a disability is defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Louisiana Rehabilitation Services shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. Upon receipt of an accommodation request, the designated LRS representative will ask if the requestor has an ADA-qualifying disability or is a caregiver of such person. The requestor will not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

E. The designated LRS representative shall provide the requestor with the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and R.S. 36:304.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Rehabilitation Services, LR 51:1353 (September 2025).

Susana Schowen
Secretary

2509#011

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agro-Consumer Services
Weights and Measures Division

Imported Seafood Safety
(LAC 7:XXXV.Chapter 5)

The Department of Agriculture and Forestry (LDAF), Office of Agro-Consumer Services proposes to repeal and replace LAC 7:XXXV.Chapter 5. 501- 511.N. as authorized by R.S. 3:4749.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 663 of the 2022 Regular Session and R.S. 49:964.D, the Department of Agriculture and Forestry reviewed its existing rules and determined that the existing sections of LAC 7:XXXV.Chapter 5. 501-511 relative to consumer products and testing imported seafood and honey for Chloramphenicols and Fluoroquinolones were promulgated without proper authority and are no longer consistent with present law. The department proposes to repeal the existing sections of LAC 7:XXXV.Chapter 5. 501-503 and replace the sections with new rules promulgated in accordance with Act 300 of the 2025 Regular Session relative to Imported Seafood Safety.

The department proposes to repeal and replace Section 501 with a newly proposed Rule titled Imported Seafood Safety Fee in accordance with Act 300 of the 2025 Regular Session, R.S. 40:31.35(C) and R.S. 3:4749.1. The department proposes to repeal and replace Section 503 with a newly proposed Rule titled Quarterly Seafood Reports in accordance with Act 300 of the 2025 Regular Session, R.S. 3:4749.1 and R.S. 3:4749.3.

The department proposes to repeal LAC 7:XXXV.505 and 511.

The department also proposes to rename LAC 7:XXXV. Chapter 5. Consumer Products—Testing and Labeling to LAC 7:XXXV. Chapter 5 Seafood Safety and Consumer Protection in order to increase the public's ability to ascertain the contents of the Chapter. The department proposes to rename LAC 7:XXXV.Chapter 5. Subchapter A. Chloramphenicols to LAC 7:XXXV. Chapter 5. Subchapter A. Fees and Reporting. Furthermore, the department proposes to rename LAC 7:XXXV. Chapter 5. Subchapter B. Fluoroquinolones to LAC 7:XXXV.Chapter 5. Subchapter B. Seafood Labeling. The department also proposes to repeal the heading of LAC 7:XXXV.Chapter 5. Subchapter C. Seafood Consumer Protection.

The agency evaluated the proposed Rule and determined it was necessary, consistent with law, and aligned with the agency's mission. The benefits of the proposed Rule outweigh the burdens and costs. The proposed Rule is written in plain language, in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 5. Seafood Safety and Consumer Protection Subchapter A. Fees and Reports

§501. Imported Seafood Safety Fee

A. The annual imported safety fee, as required by R.S. 40:31.35(C), shall be due on December 31 of each year for the following calendar year's safety fee.

B. For a newly permitted commercial seafood processor or distributor, the imported safety fee shall be due 30 days after the commercial seafood processor or distributor obtains a commercial seafood permit from the Louisiana Department of Health.

AUTHORITY NOTE: Promulgated in accordance with R.S.3:4749.1 and R.S. 40:31.35.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 51:

§503. Quarterly Seafood Reports

A. Commercial processors and distributors of imported and commingled seafood shall submit a quarterly report to the Department of Agriculture and Forestry.

1. Each quarterly report shall include the following:

- the amount of seafood bought and sold in the previous quarter;
- an accounting by volume of the species of seafood bought and sold;
- for imported seafood, country of origin for each species of seafood;
- for domestic seafood, when possible, the state of origin for each species of seafood.

B. The report for the previous quarter shall be filed with LDAF no later than January 31, April 30, July 31, and October 31, respectively. If a processor or distributor has no purchases or sales during the quarterly reporting period, LDAF must be notified accordingly.

C. Quarterly Seafood Reports shall be made on forms supplied by LDAF. The form may be requested by the processor or distributor either verbally or in writing.

D. Failure to submit the required information for two or more consecutive quarters may result in the following penalties:

- for a first offense, a fine of not more than fifteen thousand dollars per violation;
- for a second offense, a fine of not more than twenty-five thousand dollars per violation;
- for a third or subsequent offense, a fine of not more than fifty thousand dollars per violation.

E. Penalties may be assessed only by a ruling of the commissioner based upon a recommendation by the Weights and Measures Commission adjudicatory hearing held pursuant the Administrative Procedures Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4749.1 and R.S.3:4749.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 51:

§505. Labeling by Country of Origin

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:36 (January 2007), repealed 51:

Subchapter B. Seafood Labeling

§511. Fluoroquinolones in Seafood Prohibited; Testing and Sale of

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division, LR 33:38 (January 2007), amended LR 33:2348 (November 2007), repealed 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there is no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:974.6, 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 should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Paul Floyd, Director of Weights and Measures, 5825 Florida Blvd, Suite 5000 Baton Rouge, LA 70806 or via email to pfloyd@ldaf.state.la.us. Comments will be accepted until 3 p.m. on October 10, 2025.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Paul Floyd, Director of Weights and Measures, 5825 Florida Blvd, Suite 5000 Baton Rouge, LA 70806 or via email attachments to pfloyd@ldaf.state.la.us; however, such request must be received by no later than 3 p.m. on October 10, 2025.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Imported Seafood Safety**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not estimated to have any implementation costs or savings to state or local governmental units, except for the cost of promulgating the rule, which is already included in the Department of Agriculture and Forestry's annual budget.

The proposed rule change replaces the repealed Sections 501 and 503 with newly proposed rules relative to the Imported Seafood Safety Fee and Quarterly Seafood Reports as provided by Act 300 of the 2025 Regular Session. The proposed Section 501 provides for a due date for the annual Imported Seafood Safety Fee to be paid by commercial seafood processors and distributors. The proposed Section 503 outlines the required contents, due date, submission form, and penalties associated with the quarterly seafood reports that commercial seafood processors and distributors must submit to the department, as established by Act 300.

The proposed rule change repeals LAC 7:XXXV, Chapter 5, Sections 501-511 relative to consumer products testing and labeling, Chloramphenicol, and Fluoroquinolones. An agency review of these rules determined that they were no longer in use, had been promulgated without authority, and were inconsistent with current law.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change also provides for penalties in the event a commercial seafood processor or distributor fails to submit the required information for two or more consecutive quarters. Fine amounts are as follows: a fine of not more than \$15,000 for each violation; for the second offense, a fine of not more than \$50,000 for each violation; and for third and

subsequent offenses, a fine of not more than \$50,000 for each violation. The number of individuals who may violate the proposed rule changes and be assessed civil fines is speculative and indeterminate.

Act 300 of 2025 Regular Session moved the Imported Seafood Safety Program from the Department of Culture, Recreation, and Tourism (CRT) to the Louisiana Department of Agriculture and Forestry (LDAF). The proposed rule change will implement the Imported Seafood Safety Fee into the LDAF, which will result in a decrease in revenue for CRT and a corresponding increase in revenue for LDAF. The net impact on the state's revenue is not anticipated to be impacted by the Imported Seafood Safety Fee. The Safety fee is as follows; \$300 for 2025, \$500 for 2026, \$750 for 2027, and \$1,000 for 2028 and each calendar year thereafter. For informational purposes, the Louisiana Department of Health (LDH) reports that there are currently 53 imported commercial seafood license holders.

The repeals of LAC 7:XXXV are not anticipated to impact revenue collections of state or local governmental units as they have not been in use for some time.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Directly affected persons and small businesses, processors, and distributors who import seafood may incur additional costs and workloads to produce the reports required by the proposed rule change. LDAF staff expect that the information needed for the reports is likely already available for the processors or distributors impacted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to impact competition or employment.

Dane Morgan
Assistant Commissioner
2509#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

Minority Business Enterprise
(LAC 19:III.Chapters 1-25)

Louisiana Economic Development ("LED"), Office of Economic Development, authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby give notice of their intent to repeal Rules for the administration of the Minority Business Enterprise.

In accordance with the Office of the Governor Executive Order No. JML 25-038, LED reviewed and evaluated these program rules, determined them to be obsolete and unnecessary and therefore seeks their repeal.

Title 19

CORPORATION AND BUSINESS

Part III. Minority Business Enterprises

Chapter 1. Statement of Policy/Legal Basis

§101. Statement of Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 3. General Provisions

§301. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 5. Certification Procedures

§501. Criteria for Minority Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§503. Distribution of Certification Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§505. Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 14:350 (June 1988), LR 15:960 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§507. Submittal of Information Requested

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§509. Certification Documents Inquiries/Assistance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§511. Notification of Minority Certification Decision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§513. Disapproval of Minority Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§515. Verification of Information Submitted

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§517. Change in Minority Ownership/Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§519. Application Denied or Withdrawn

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§521. Liability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§523. Exceptions to Vendor Certification Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 7. Recertification Procedures

§701. Annual Recertification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:959 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§703. Failure to Recertify

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business

Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:960 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 9. Complaints Concerning Certified Vendors

§901. Ineligibility Complaints

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§903. Investigation of Complaint

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§905. Notification of Complaint

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§907. Response to Complaint

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§909. Cooperation in Complaint Investigation

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§911. Temporary Suspension

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§913. Complaint Investigation Decision

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 11. Decertification Procedures

§1101. Certification Denied

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1103. Petition for Reconsideration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1105. Petition Reconsidered or Reviewed by OMBE

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1107. Decision of Reconsideration Petition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 13. Minority Participation in State Procurement Activity

§1301. Establishment of Annual Goals for Agencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1303. Preparation by Agencies of Annual Plan for Attainment of Annual Goal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 15. Designation and Setting-Aside of Procurement Activities for Minority-Owned Business Participation

§1501. Identification of Goods and Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1503. Publication of Minority Business Directory

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business

Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1505. Publication of Minority Business Directory

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1507. Goods, Services and Public Works Set-Aside

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1509. Applicable Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1511. Bid Identified as Set-Aside

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1513. Bid Proposal Advertisements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1515. Agency Receipt and Evaluation of Minority Set-Aside Bids

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1517. Designation of a Minority Set-Aside Bid

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), amended LR 13:342 (June 1987), LR 13:497 (September 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 17. Criteria for Procurement of Goods and Services

§1701. Criteria for Procurement of Goods and Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:343 (June 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1703. Consulting Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:497 (September 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1705. Public Work Bids \$200,000 or More

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1707. Construction Bids under \$200,000

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 19. Noncertified Vendor Participation

§1901. Noncertified Vendor Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1903. Liability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1905. Small Business Criteria Waived

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1907. Annual Target Goals with Non-Certified Minority Vendor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§1909. Certification Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 21. Reports

§2101. Quarterly Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§2103. Annual Report to Legislature

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 23. Directory of Minority Businesses

§2301. Directory of Certified Minority Business Enterprises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

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.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Hartman, Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.Hartman@LA.GOV. All comments must be received no later than close of business day, October 30, 2025.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 11 a.m. on November 3, 2025 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. All interested persons will be afforded an

opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Dawn Thibodeaux at least two working days in advance of the hearing. For assistance, call 225.342.3740 (voice and TDD) or email dawn.thibodeaux@la.gov.

Anne G. Villa:
Deputy Secretary/CFO

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Minority Business Enterprise**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units.
The proposed rule change repeals the Minority Business Enterprise Program. This program was initially under the Office of the Governor and later created within Louisiana Economic Development (LED). However, the program has not been implemented within LED for decades. The proposed repeal better aligns Title 19, Part III, as required by the Office of the Governor Executive Order No. 25-038, and aligns with current practices.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed repeal is not anticipated to affect revenue collections for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment.

Anne G. Villa
Deputy Secretary/CFO
2509#020

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Louisiana Economic Development
Office of Economic Development**

Office of Women's Business Enterprise
(LAC 19: Chapters 1-5)

Louisiana Economic Development ("LED"), Office of Economic Development, authorized by and pursuant to the provision of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby give notice of their intent to repeal rules for the administration of the Office of Women's Business Enterprise.

In accordance with the Office of Governor Executive Order Number JML 25-038, LED reviewed and evaluated these program rules and determined them to be obsolete and unnecessary and therefore seeks their repeal.

Title 19

CORPORATION AND BUSINESS

Part I. Office of Women's Business Enterprise

Chapter 1. General Provisions

§101. Statement of Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§103. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 3. Certification

§301. Delegation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October, 1984), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§303. Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:961 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

§305. Disapproval of Women-Owned Businesses

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 5. Appeal Procedures

§501. Appeal Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:791 (October 1984), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

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.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Hartman, Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.Hartman@LA.GOV. All comments must be received no later than close of business day, October 30, 2025.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 11 a.m. on November 3, 2025 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Dawn Thibodeaux at least two working days in advance of the hearing. For assistance, call 225.342.3740 (voice and TDD) or email dawn.thibodeaux@la.gov.

Anne G. Villa
Deputy Secretary/CFO

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Office of Women's Business Enterprise

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units.

The proposed rule change repeals the Office of Women's Business Enterprise (program). The program was initially under the Office of the Governor and later created within Louisiana Economic Development (LED). However, the program has not been implemented within LED for decades. The proposed repeal better aligns Title 19, Part I, as required by the Office of the Governor Executive Order No. 25-038, and aligns with current practices.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal is not anticipated to affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Anne G. Villa
Deputy Secretary/CFO
2509#019

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Accountability System
(LAC 28:XI.405, 5107, 5701, 6115, and 6813)

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) proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System* and *Bulletin 118—Statewide Assessment Standards and Practices*. Act 472 of the 2025 Regular Legislative Session revises the administration schedule to reduce the number of state assessments in social studies beginning no later than the 2027-2028 school year. Further revisions codify assessment implementation dates, establish cut scores and assessment levels, and make technical edits.

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

A. - B.5. ...

a. emerging—receptive modality is 1 and productive modality is 1;

b. progressing 1—score of 1 on receptive modality or productive modality;

c. progressing 2—score of 2 on receptive modality and productive modality;

d. progressing 3—score of 2 on one modality and 3 or 4 on the other modality; and

e. transitioning—score of 3 or 4 on receptive and productive modalities.

C. - J. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 49:31 (January 2023), LR 49:1698 (October 2023), LR 50:948 (July 2024), LR 51:

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 51. General Provisions

§5107. Assessment Programs

[Formerly LAC 28:CXI.107]

A. Kindergarten Developmental Readiness Screening Program (KDRSP). Each school district is required to administer an approved entry assessment instrument to each child entering kindergarten for the first time, with the results

to be used for placement and planning instruction. Beginning with the 2025-2026 school year, KDRSP will be consolidated with the literacy and numeracy screeners.

B. Louisiana Educational Assessment Program (LEAP) 2025. Criterion-referenced tests in English language arts, mathematics, science, and social studies in grades 3-8 and tests administered upon completion of English I, English II, Algebra I, geometry, biology, civics, and U.S. history in high school assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. Effective beginning with the 2027-2028 school year, criterion-referenced social studies assessments will be administered in high school and in grades 3, 5, and 8.

1. - 2. ...

C. Repeated.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 36:477 (March 2010), LR 40:2509 (December 2014), LR 44:462 (March 2018), LR 47:566 (May 2021), LR 49:44 (January 2023), LR 49:645 (April 2023), LR 51:

Chapter 57. Assessment Program Overview

§5701. Louisiana Assessment Programs

A. National Assessment of Educational Progress (NAEP), Criterion-Referenced Test (CRT), grades 4, 8, and 12, spring 1990 to present.

B. Elementary and Middle School CRTs.

1. LEAP 2025 ELA and Mathematics; grades 3-8; spring 2015 to present.

2. LEAP 2025 Science; grades 3-8; 2019 to present.

3. LEAP 2025 Social Studies; grades 3-8; 2017 to spring 2027.

4. LEAP 2025 Social Studies; grades 3, 5, and 8; beginning spring 2028 and beyond.

5. ELA Innovative Assessment; grades 6, 7, and 8; fall 2022 to present.

6. DIBELS (literacy screener); grades K-3; 2023 to present.

7. Numeracy Screener; grades K-3; 2025 to present.

C. High School CRTs.

1. ACT; grade 11; spring 2013 to present.

2. LEAP 2025 English I, English II; fall 2017 to present.

3. LEAP 2025 Algebra 1, Geometry; fall 2017 to present.

4. LEAP 2025 U.S. History; fall 2017 to 2027.

5. LEAP 2025 Biology; fall 2018 to present.

6. LEAP 2025 Civics; fall 2023 to present.

D. Special Populations Assessments.

1. LEAP Connect ELA and Mathematics; eligible students with an IEP in grades 3-8; spring 2018 to present.

2. LEAP Connect ELA and Mathematics; eligible students with an IEP in grade 11; spring 2019 to present.

3. LEAP Connect Science; eligible students with an IEP in grades 4, 8, and 11; spring 2020 to present.

4. English Language Proficiency Test (ELPT); English learners in grades K-12; spring 2018 to present.

5. English Language Proficiency Test Connect (ELPT Connect); eligible English learners in grades K-12; spring 2023 to present.

E. Historical Kindergarten Screener.

1. Kindergarten Developmental Readiness Screening Program; kindergarten; fall 1987 to 2025.

F. Historical Norm-Referenced Tests (NRT).

1. California Achievement Test (CAT/F); grades 4, 6, and 9; spring 1988, spring 1992, no longer administered.

2. California Achievement Test (CAT/5); grades 4, 6, and 8; spring 1993, spring 1997, no longer administered.

3. Iowa Tests of Basic Skills (ITBS) (form L) and Iowa Tests of Educational Development (ITED) (form M); grades 4, 6, 8, 9, 10, and 11; spring 1998, no longer administered.

4. ITBS, ITED (form M); grades 3, 5, 6, 7, and 9; spring 1999, spring 2002, no longer administered.

5. ITBS, ITED (form B); grades 3, 5, 6, 7, and 9; spring 2003, spring 2005, no longer administered.

6. ITBS; grade 2; spring 2012 to spring 2013, no longer administered.

G. Historical Criterion Referenced Tests.

1. Graduation Exit Examination (GEE); grades 10 and 11; spring 1989 to spring 2003 (state administered), fall 2003 (district administered).

2. GEE ELA and Mathematics; grade 10; spring 2001 to fall 2014 (district administered).

3. GEE Science and Social Studies; grade 11; spring 2002 to fall 2014 (district administered).

4. Louisiana Educational Assessment Program (LEAP) ELA and Mathematics; grades 4 and 8; spring 1999 to 2014.

5. LEAP Science; grades 4 and 8; spring 2000 to spring 2018.

6. LEAP Social Studies; grades 4 and 8; spring 2000 to 2016.

7. End-of-Course Test (EOCT) Algebra I; fall 2007 to summer 2017.

8. EOCT English II; fall 2008 to summer 2017.

9. EOCT Geometry; fall 2009 to summer 2017.

10. EOCT Biology; fall 2010 to spring 2018.

11. EOCT Applied Algebra I form; spring 2011 to summer 2013.

12. EOCT English III; students entering freshmen cohorts prior to 2017-2018 school year; fall 2011 to summer 2019 (state administered), fall 2019 (district administered).

13. EOCT U.S. History; fall 2012 to 2017; 2017-2018 (only graduating seniors and retesters).

14. EXPLORE; grades 8 and 9; spring 2013 to 2015.

15. PLAN; grade 10; spring 2013 to 2015.

H. Historical Integrated NRT/CRT.

1. Integrated LEAP (iLEAP) Science and Social Studies; grades 3, 5, and 7; spring 2006 to 2017.

2. iLEAP ELA and Mathematics; grades 3, 5, and 7; spring 2006 to 2014.

3. iLEAP ELA and Mathematics; grade 9; spring 2006 to 2010.

4. Louisiana Alternate Assessment B (LAA B); out of level test for students with IEPs who met eligibility criteria in grades 3-11; spring 1999, spring 2003, no longer administered.

5. Academic Skills Assessment (ASA) and ASA LAA 2 form; students pursuing a state-approved skills certificate (SASC) or GED; spring 2012 only.

I. Historical Special Populations Assessments.

1. LAA 1; students with IEPs who meet eligibility criteria in grades 3–11; spring 2000 to 2007.

2. LAA 1 ELA and Mathematics; students with IEPs who meet eligibility criteria in grade spans 3/4, 5/6, 7/8, and 9/10; spring 2008 to 2017; spring 2010 last administration of LAA 1 grade 9; 2017-2018 school year (high school only).

3. LAA 1 Science; students with IEPs who meet eligibility criteria in grades 4, 8, and 11; spring 2008 to 2019, no longer administered.

4. LAA 2 ELA and Mathematics; grades 4 and 8; spring 2006 to spring 2014, no longer administered.

5. LAA 2 ELA and Mathematics; grade 10, for eligible students entering freshmen cohort prior to the 2013-2014 school year; spring 2006 to 2014, no longer administered.

6. LAA 2 Science and Social Studies; grade 11, for eligible students entering freshmen cohorts prior to the 2013-2014 school year; spring 2006 to 2014, no longer administered.

7. LAA 2 ELA and Mathematics; grades 5, 6, and 7; spring 2007 to spring 2014, no longer administered.

8. LAA 2 ELA and Mathematics; grade 9; spring 2010, no longer administered.

9. LAA 2 Science and Social Studies; grades 4 and 8; spring 2008 to 2014, no longer administered.

10. English Language Development Assessment (ELDA); limited English proficient (LEP) students in grades K-12; spring 2005 to 2017.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020), LR 47:566 (May 2021), repromulgated LR 47:721 (June 2021), amended LR 48:38 (January 2022), LR 49:44 (January 2023), LR 49:646 (April 2023), LR 51:

Chapter 61. Louisiana Educational Assessment Program 2025 (LEAP 2025)

Subchapter B. Achievement Levels and Performance Standards

§6115. Performance Standards

A. - A.3. ...

4. Social Studies

Social Studies						
Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Advanced	774-850	779-850	779-850	773-850	783-850	780-850
Mastery	750-773	750-778	750-778	750-772	750-782	750-779
Basic	729-749	728-749	731-749	728-749	730-749	730-749
Approaching Basic	707-728	710-727	706-730	702-727	705-729	709-729
Unsatisfactory	650-706	650-709	650-705	650-701	650-704	650-708

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.4(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 32:235 (February 2006), LR 42:225 (February 2016), LR 43:2475 (December 2017), LR 44:468 (March 2018), repromulgated LR 44:1424 (August 2018), amended LR 45:1744 (December 2019), LR 51:

Chapter 68. LEAP 2025 Assessments for High School Subchapter B. Achievement Levels and Performance Standards

§6813. Performance Standards

A. Performance standards for LEAP 2025 Algebra I, English I, English II, geometry, biology, civics, and U.S. history tests are finalized in scaled-score form.

B. - B.6. ...

7. Civics

Civics	
Achievement Level	Scaled-Score Ranges
Advanced	777-850
Mastery	750-776
Basic	729-749
Approaching Basic	707-728
Unsatisfactory	650-706

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:215 (February 2009), amended LR 36:478 (March 2010), LR 37:820 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:35 (January 2012), LR 39:76 (January 2013), LR 39:2444 (September 2013), LR 44:470 (March 2018), LR 44:2129 (December 2018), LR 45:1745 (December 2019), LR 51:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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 Revised Statutes, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended,

or repealed a rule 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 one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Department of Education is expected to realize an estimated \$1.1 M in savings beginning in FY 28 due to the removal of the three assessments. An estimated \$600,000 of

this savings is due to a reduction in the costs of scoring and psychometrics for the three removed assessments. The remaining \$500,000 in savings is a result of a reduction in the costs of item development and forms construction associated with the three removed assessments. The proposed rule change updates the schedule for the administration of state assessments, removing social studies assessments for students in grades 4, 6, and 7, beginning with the 2027-2028 academic year. This update reduces the total number of assessments given per year by three.

Local education agencies may also realize a cost savings associated with payments made to staff to proctor assessments. The reduction in the number of tests administered each year is also expected to reduce the number of proctors needed during the testing window.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may result in a loss of revenues for businesses contracted to develop, print, and score, statewide social studies assessments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may result in a reduction in the hiring of temporary staff by local education agencies needed to proctor assessments.

Beth Scioneaux
Deputy Superintendent
2509#063

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1508—Pupil Appraisal Handbook
Screenings and Evaluations of Students for Special
Education and Related Services
(LAC 28:CI.Chapters 1-15)

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) proposes to amend LAC 28:CI in *Bulletin 1508—Pupil Appraisal Handbook*. The revisions provide comprehensive updates to the evaluation of students with suspected disabilities. The proposed revisions include updates to the following: the definition of Response to Intervention (RTI); addition of licensed specialists in school psychology and licensed psychologists with a school specialty to serve on pupil appraisal teams; autism criteria aligned to current language in diagnostic and statistical manuals; evaluation considerations in alignment with *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*; school health and school nurse services; language regarding prescriptions from a physician licensed in any state; and technical edits. Additional revisions include textual edits for specificity and clarification in response to public comments received during the initial Notice of Intent process.

Title 28
EDUCATION

Part CI. Bulletin 1508—Pupil Appraisal Handbook
Chapter 1. LEA Responsibilities

§101. Introduction

A. - B. ...

C. - D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), effective July 1, 2009, LR 51:

§103. Child Find Guidelines

A. - A.1. ...

a. all students with exceptionalities residing in the district, including students with suspected exceptionalities who are homeless children or who are wards of the state, and students with exceptionalities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:895 (May 2009), effective July 1, 2009, LR 51:

§107. Qualified Examiners

A. ...

1. Professional members of a pupil appraisal system include certified assessment teachers/educational consultants/educational diagnosticians, certified school psychologists, licensed specialists in school psychology, licensed psychologists with a school specialty, qualified school social workers; speech/language pathologists, adapted physical education teachers; audiologists; registered nurses, occupational therapists, physical therapists, speech and hearing therapists, and speech/hearing/language assistants.

2. - 2.d. ...

3. LEA-selected evaluators in music, theater, or visual arts must not be employed by the LEA conducting the evaluation and must be on the state Department of Education approved evaluator list.

4. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:896 (May 2009), effective July 1, 2009, LR 51:

Chapter 3. Interventions and Screenings

§301. Response to Intervention

A. The Response to Intervention (RTI) process is a three-tiered approach to providing services and interventions to struggling learners and/or students with challenging behaviors at increasing levels of intensity. Essential components of the process include three tiers of instruction and intervention, use of standard protocols and/or problem-solving methods, and an integrated data collection/assessment system to inform decisions at each tier of instruction/intervention. The process incorporates increasing duration and frequency of intensities of instruction and/or intervention that are provided to students

in direct proportion to their individual needs. Embedded in each tier is a set of unique support structures or activities that help teachers implement, with fidelity, research-based, high-quality instructional materials, instructional practices aligned to core curriculum, as well as direct and explicit interventions designed to pinpoint a student's area of need, to improve student outcomes, and to provide access to the general curriculum. RTI is designed for use when making decisions in both general and special education, creating a well-integrated system of instruction and intervention guided by student outcome data.

B. Special education and related services referrals and evaluations should not be delayed or denied based solely on the required movement through tiered intervention prior to referral.

C. RTI Tiers.

1. Tier 1 is universal instruction and practices provided to all students.

2. Tier 2 is targeted instruction and practices provided to some at-risk students.

3. Tier 3 is intensive instruction and practices provided to a few students with significant support needs.

D. Essential components of the RTI process also include standard protocols and/or problem-solving methods, an integrated data collection and assessment system, and the use of data to monitor student progress and inform instructional adjustments and other key decisions at each tier. Best practices for an effective RTI process include the following:

1. Ensure all struggling learners have access to 100 percent of core instruction in math and reading, and that additional tiered supports are provided in addition to, not instead of, core instruction;

2. Tier 2 targeted and Tier 3 intensive academic interventions are used to backfill missed content, to clarify misunderstandings, to pre-teach upcoming skills, and are closely aligned with the core curriculum.

3. Academic interventions are provided by professionals with training, background, and content experience for teaching the specific content.

4. Behavior interventions are provided by professionals with training, background, and behavior support expertise regarding challenging behaviors.

E. RTI decisions are made collaboratively by both general education and special education professionals to create an integrated system of instruction and intervention guided by student outcome data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:897 (May 2009), effective July 1, 2009, LR 51:

§303. School Building Level Committee

A. - A.4. ...

5. Refer the student to pupil appraisal personnel for support services in accordance with Chapter 13 of this Part.

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:897 (May 2009), effective July 1, 2009, LR 51:

§305. Screening Activities

A. Overview

1. An LEA shall identify a student, enrolled in an educational program operated by the LEA, as suspected of having a disability only after the student has participated in an RTI process that produces data sufficient for the SBLC to recommend that a comprehensive individual evaluation be conducted by pupil appraisal personnel. For a child not enrolled in school, screening activities are to be conducted by Pupil Appraisal personnel. Through the RTI process the SBLC shall coordinate and document results of all screening activities described below. RTI and screening activities for enrolled students (public and private) are conducted by general education personnel with assistance from other school personnel and pupil appraisal members, if necessary.

2. The screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered an evaluation for eligibility for special education and related services.

B. - B.1.a.i. ...

i. No hearing concerns are currently being exhibited by the student.

ii. There is no history of acute or chronic ear infections and/or persistent respiratory congestion indicated in the health screening.

b. - b.i. ...

ii. middle ear pressure outside the range of -200 and +50 daPa fluid in either ear; or

B.1.b.iii. - B.2.a.i. ...

ii. No vision concerns are currently being exhibited by the student.

B.2.a.iii. - B.2.b.ii. ...

iii. Repealed.

B.2.c. - 3. ...

a. Sensory processing screening is conducted to determine if a student is "at risk" for sensory processing difficulties that interfere with access and participation in the educational program. Sensory processing concerns may include the following:

i. - viii. ...

ix. Repealed.

C. - D.2. ...

a. Repealed.

b. articulation, oral motor functioning, and oral structure;

c. receptive and expressive language to include linguistics and pragmatics; and

d. voice.

e. - g. Repealed.

3. If the student's communication skills are "at risk," evidence-based interventions shall be conducted by a speech-language pathologist or speech language pathology assistant with fidelity and for the length of time necessary to obtain sufficient data to determine their effectiveness. Informed parental consent must be obtained before conducting these interventions. In the case of a suspected voice impairment, there must also be an assessment conducted by an appropriate medical specialist prior to implementing the interventions.

E. - E.2. ...

a. lack of strength, endurance, and flexibility limiting access and participation in campus mobility and curriculum;

b. - e. ...

f. poor sense of body awareness;

g. difficulty in demonstrating motor sequences, frequent falling, difficulty managing uneven surfaces, stairs, or changes in terrain, difficulty with obstacle negotiation; or

h. management of classroom materials, including technology.

F. ...

1. Assistive Technology screening is conducted through an observation of the student's skills and educational environment.

2. - 2.a....

b. fine motor skills such as manipulation of tools, scissors, or pencils;

c. - g. ...

h. general health;

i. self-help;

j. executive functioning;

k. sensory; and/or

l. computer access.

G. - G.1.f. ...

2. If a review indicates current concerns in the above areas, the student's social/emotional/behavioral status is "at risk." Documented, evidence-based intervention(s) and progress monitoring appropriate to the student's age and behavioral difficulties shall be conducted with fidelity for the length of time necessary to obtain sufficient data to determine their effectiveness. Interventions are required for students with a suspected emotional disturbance unless there is substantial documentation that the student is likely to injure him/her self.

H. - H.1.a.ii. ...

b. a review of the student's academic performance, including dyslexia screening results and results of applicable statewide and district-wide tests in accordance with LAC 28:XXXV, Bulletin 1903;

H.1.c. - I.1. ...

2. Talented. Based on advanced skills demonstrated by the student in visual arts, music, or theater, the student should be considered for talent screening in accordance with Chapter 9 of this Part.

J. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016), LR 49:1210 (July 2023), LR 51:

§307. Referral Process

A. ...

1. The SBLC provides documentation that the RTI process addressing academic and/or behavior or sensorimotor concerns, or the speech or language intervention(s) addressing communication concerns have included:

A.1.a. - 3. ...

B. An immediate referral may be made to pupil appraisal services for an individual evaluation of those students suspected of having low incidence impairments such as deafness or hard of hearing, hearing impairment, visual impairment, deaf-blindness, traumatic brain injury, intellectual disability (moderate or severe), multiple disabilities, and some students with severe autism, orthopedic impairments and/or significant health concerns that warrant immediate referral based on substantial documentation by school building level personnel of any student suspected of being likely to injure self or others. Screening activities should be completed during the evaluation for these students.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:900 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016). LR 51:

Chapter 5. Evaluation Responsibilities

§501. Evaluation Coordination

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

b. certified school psychologist, licensed specialist in school psychology, or a licensed psychologist with a school specialty;

A.3.c. - B.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:900 (May 2009), effective July 1, 2009, LR 51:

§505. Procedural Responsibilities

A. ...

1. Each individual evaluation is based on a comprehensive compilation of information drawn from a variety of sources. A comprehensive evaluation should consider any suspected delays, concomitant disabilities, and/or exceptionality that is suspected based on the referral data or information learned during the course of the evaluation.

2. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:901 (May 2009), effective July 1, 2009, LR 51:

§507. Evaluation Procedures

A. - A.1.a. ...

b. the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum, or for a preschool child, ages 3-5, who qualify for special education services in accordance with this Part to participate in appropriate activities;

A.2. - B.3. ...

4. The student is assessed in all areas related to the suspected exceptionality including, if appropriate, health, vision, hearing, behavior, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

5. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:901 (May 2009), effective July 1, 2009, LR 51:

§513. Evaluation Components

A. - A.5. ...

6. an interview with the student to obtain the student's perceptions of his/her own academic, behavioral and social performance;

7. - 9. ...

10. an educational assessment conducted by an educational diagnostician or other qualified pupil appraisal staff member which includes descriptions of educational strategies, academic and environmental accommodations needed, and curricular modifications necessary to provide accessible instructional materials in order to enable the student to show progress in the general education curriculum;

11. a functional behavior assessment conducted or reviewed by a certified school psychologist, licensed specialist in school psychology, licensed psychologist with a school specialty, a qualified school social worker, or other appropriately trained personnel, when behavior is noted as a concern; and

A.12. - B.1.b. ...

c. a description of the evaluation procedures, including interventions, conducted to address each evaluation concern, the student's response(s) to the intervention(s) and an analysis of the results;

d. - g. ...

h. a description of the impairment or condition that enables the student to be classified as eligible for special education and/or related services;

i. - j. ...

k. recommendations for developing the content of the student's IEP including types of services necessary to meet the educational needs of the student and to enable the student to access and progress in the general education curriculum, or for students ages 3-5 to participate in appropriate activities;

B.1.l. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:902 (May 2009), effective July 1, 2009, LR 51:

Chapter 7. Disabilities

§701. Autism

A. Definition. *Autism* is a developmental disability that impacts the development of social-emotional skills, communication, and relating to others and their environment, generally evident before age three, but may not fully manifest until after age three depending on the environmental and social demands placed upon the child during their early development, and results in adverse impact on educational performance.

1. - 2. Repealed.

B. ...

1. - 3.e. Repealed.

4. Persistent deficits in social communication and social interaction across multiple contexts, as manifested currently or by history through all of the following;

a. deficits in social-emotional reciprocity including, but not limited to, abnormal social approach, failure of normal back-and-forth conversation, reduced sharing of interests, emotions, or affect, and failure to initiate or respond to social interactions;

b. deficits in nonverbal communicative behaviors used for social interaction including but not limited to poorly integrated verbal and nonverbal communication, abnormalities in eye contact and body language, deficits in understanding and use of gestures, total lack of facial expressions, and nonverbal communication;

c. deficits in developing, maintaining, and understanding relationships including by not limited to difficulties adjusting behavior to suit various social contexts, difficulties in sharing imaginative play or in making friends, and absence of interest in peers.

5. Restricted, repetitive patterns of behavior, interests, or activities as manifested by at least two of the following:

a. stereotyped or repetitive motor movements, use of objects, or speech including by not limited to simple motor stereotypes, lining up toys, flipping objects, echolalia, and idiosyncratic phrases.

b. insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior including by not limited to extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take the same route, or eat the same food every day;

c. highly restricted, fixated interests that are abnormal in intensity or focus including by not limited to strong attachment to or preoccupation with unusual objects, excessively circumscribed, or perseverative interest;

d. hyper- or hyperactivity to sensory input or unusual interests in sensory aspects of the environment including by not limited to apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement.

6. Impaired environmental functioning significantly interferes with educational performance.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. ...

1. a comprehensive assessment conducted by a certified school psychologist, licensed specialist in school psychology, licensed psychologist with school specialty, physician, or other qualified examiner trained or experienced in the evaluation of students with developmental disabilities;

2. systematic observations of the student in interaction with others such as parents, teachers, and peers across settings in the student's customary environments, including structured and non-structured times;

3. - 4. ...

5. the educational assessment shall include the review and analysis of the student's response to scientifically research-based academic interventions documented by progress monitoring data, when needed;

6. if sensory motor screening and intervention data indicate at-risk, an occupational therapy assessment to address sensory processing and motor difficulties limiting

access and participation in the educational program. All observed symptoms should be clearly documented. At a minimum, sensory processing assessment should address the following:

a. - h. ...

7. an assessment of adaptive behavior to assist in determining severity levels and impact of characteristics on everyday functioning in the school setting;

8. other assessments as determined to be appropriate and necessary by the evaluation coordinators and the multidisciplinary team to explore the impact of comorbid disorders and inform intervention planning within the educational setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:904 (May 2009), effective July 1, 2009, LR 51:

§703. Deaf-Blindness

A. ...

1. If a student has only two disabilities and those disabilities are deafness and blindness, the student must be classified as having deaf-blindness. Each LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1210 (July 2023), LR 51:

§705. Developmental Delay

A. - B.1.a. ...

b. fine motor skills; and

c. sensory (visual or hearing) abilities.

d. Repealed.

2. - 2.c ...

d. environmental interaction;

e. expression of emotions; and

f. self-help including feeding, clothing management, and toileting.

3. - 3.g. ...

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. ...

1. an examination conducted by a physician not only when the student appears to have a severe medical condition but also when deemed necessary by the evaluation coordinator. When the medical report indicates the student has a health or physical impairment requiring health technology, management or treatments including a special diet or medication, or needs assistance with activities of daily living due to health concerns, the school registered nurse or other qualified personnel will conduct a health assessment;

2. - 4. ...

5. an assessment conducted by an occupational therapist when sensory-motor, perceptual-motor, fine motor or adaptive skills integration difficulties are suspected and limited functional performance.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:906 (May 2009), effective July 1, 2009, LR 51:

§707. Emotional Disturbance

A. Definition. *Emotional Disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance. The term includes schizophrenia but does not apply to children who are socially maladjusted, unless the student is determined to have an emotional disturbance.

1. - 5. ...

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, 3 and 4 shall all be met. The student exhibits behavioral or emotional responses so different from age appropriate, cultural, or ethnic norms that they adversely affect the student's educational performance which includes academic progress, social relationships, work, personal adjustment, and/or behavior in the school setting. Such a disability is more than a temporary, expected response to stressful events in the environment; is consistently exhibited in two different settings, one of which must be the school setting; and persists despite individualized intervention within general education and other settings. Emotional disturbance can co-exist with other disabilities.

B.1. - D. ...

1. a psycho-social assessment conducted by a social worker, school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty, or other qualified pupil appraisal staff member, which includes an interview with the student's parent(s), or care giver. If the assessment determines the student to be out-of-home, out-of-school or "at risk" of out-of-school, or out-of-home placement and in need of multi-agency services, the student must be considered for referral to any existing interagency case review process;

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:907 (May 2009), effective July 1, 2009 LR 51:

§709. Deaf and/or Hard of Hearing

A. - A.2. ...

a. *Hearing Loss*—a hearing loss with an unaided pure tone average in the better ear at 500, 1000, and 2000 Hz between 25 and 70 dB (ANSI). The hearing loss is severe enough to be considered educationally significant, as it will to varying degrees impact the normal development of speech and language skills and/or interfere with learning new information through the auditory modality.

b. - c. ...

3. If a student has only two disabilities and those disabilities are deafness and blindness, the student must be classified as having deaf-blindness. The LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.1. ...

2. An assessment of the student's hearing sensitivity, acuity, with and without amplification shall be conducted by a licensed audiologist or a licensed physician with specialized training or experience in the diagnosis and treatment of a hearing loss.

D.3. - E.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:908 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 51:

§711. Intellectual Disability

A. Definition. *Intellectual disability* means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student's educational performance.

A.1. - B.2. ...

a. The measured intelligence and adaptive behavior functioning of a student with an intellectual disability, mildly impaired generally falls between two and three standard deviations below the mean. The student's adaptive behavior functioning falls below age and cultural expectations and is generally commensurate with the assessed level of intellectual functioning.

B.2.b. - D.2. ...

3. a psychological assessment conducted by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty which includes the following procedures:

D.3.a. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:909 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016), LR 51:

§713. Multiple Disabilities

A. ...

1. If a student has only the two disabilities of deafness and blindness, the student must be classified as having deaf-blindness and not developmental delay or multiple disabilities. The LEA shall notify State Deaf-Blind Census of all students who have both hearing and visual impairments.

B. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:909 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§715. Orthopedic Impairment

A. Definition. *Orthopedic Impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

B. - D. ...

1. a report of a medical examination conducted within the previous 12 months from a physician qualified by training or experience to assess the student's orthopedic or neurological problems. The report must provide a description of the impairment, any medical implications for instruction or physical education, and must indicate adaptive equipment and support services necessary for the student to benefit from the general education curriculum, as appropriate. When the medical report indicates the student has a health or physical impairment requiring health technology, management, or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school registered nurse or other qualified personnel will conduct a health assessment;

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:910 (May 2009), effective July 1, 2009, LR 51:

§717. Other Health Impairment

A. ...

1. Other Health Impairment is not intended for students with mood and anxiety disorders which would be more appropriately addressed under emotional disturbance, if criteria are met.

B. Criteria for Eligibility.

1. One of the following:

a. The disability results in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, and includes such conditions as those specified in the definition; or

b. a severe disability significantly limits one or more of the student's major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working;

2. Repealed.

3. The student exhibits impaired environmental functioning that adversely affects his or her educational performance; and

4. If the diagnosed impairment has behavioral implications that research has shown to respond to behavioral interventions, including non-disruptive behaviors such as inattention and aspects of executive functioning, and the disability results in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, and includes such conditions outlined in Paragraph A of this Section, documented evidence must show that scientifically research-based interventions implemented with fidelity did not significantly modify the problem behavior. *Significantly modify* means that a change in behavior is demonstrated to such a degree that, with continuation of the intervention program by the general education teacher and/or other support personnel, the student could continue in the general education program.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. Additional procedures for evaluation:

1. a report of an examination, conducted within the previous 12 months from a physician or other licensed health care provider licensed to practice medicine in the state of

Louisiana or any other state of the United States and qualified in accordance with their licensed scope of practice to assess and diagnose the student's health problems, giving not only a description of the impairment but also any implications for instruction and physical education. When the report indicates the student has a health condition requiring health technology, management or treatments including a special diet or medication or that the student needs assistance with activities of daily living, the school registered nurse or other qualified personnel will conduct a health assessment. For attention deficit disorder or attention deficit hyperactivity disorder, a diagnostic report from a qualified health care professional, physician, physician's assistant, a nurse practitioner, neurologist, or psychiatrist may be considered but shall not be required.

2. if the diagnosed impairment has behavioral implications that research has shown to respond to behavioral interventions, including non-disruptive behaviors such as inattention and aspects of executive functioning, the following procedures shall be conducted:

a. comprehensive assessment conducted by a certified school psychologist, licensed specialist in school psychology, licensed psychologist, physician, or other qualified examiner trained or experienced in the evaluation of students with behavioral disorders;

D.2.b. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:910 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§719. Specific Learning Disability

A. - B.1.f. ...

2. there shall be a comprehensive and documented review of evidence-based intervention(s) conducted with fidelity and for the length of time necessary to obtain sufficient data to determine their effectiveness. Interventions shall be appropriate to the student's age and academic skill deficits and shall address the area(s) of concern presented by the SBLC. The RTI process shall provide sufficient data to determine if the student is making adequate progress in the general educational curriculum. The individual intervention(s) summary must include graphing of the results of the intervention(s), information regarding the length of time for which each intervention was conducted, and any changes or adjustments made to an intervention. If adequate progress is not evident or the interventions require such sustained and substantial effort to close the achievement gap with typical peers, further assessment using standardized achievement measures shall be conducted to determine if the child/youth exhibits a specific learning disability consistent with the definition. The intervention data shall demonstrate that the student did not make sufficient progress to meet state approved grade level standards in one or more of the following areas:

B.2.a. - 3.d. ...

4. to support the findings in Paragraphs 1 through 3 above, evidence of a pattern of strengths and weaknesses must be documented as follows:

a. area of weakness addressed by the interventions shall be demonstrated by performance greater than one and one-half standard deviations below the mean in grades 1 and

2, or greater than two standard deviations below the mean in grades 3 through 12 using chronological age norms in one or more of the areas listed in Subparagraphs 2.a-h above; and

b. area of strength as demonstrated by performance no more than one-half standard deviation below the mean in grades 1 and 2 or no more than one standard deviation below the mean in grades 3 through 12 using chronological age norms in one or more of the areas in accordance with Subparagraph 2 of this Section.

c. ...

d. scientifically research-based intervention data supports the team's position that the student is a student with a specific learning disability.

C. Procedures for Evaluation. Conduct all procedures in accordance with §513 of this Part.

D. - D.4....

5. a psychological assessment shall be conducted by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a specialty in school, when necessary, to rule out an intellectual disability;

6. - 7. ...

8. When dyslexia is suspected and there is no diagnosis by a qualified professional as defined in LAC 28:XXXV. *Bulletin 1903*, a preponderance of evidence is considered. The evidence shall include qualification for a Specific Learning Disability in one of the reading-related areas in this Section accompanied by a weakness in phonological processing, and/or a weakness in spelling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:911 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§721. Speech or Language Impairment

A. Definition. *Speech or Language Impairment* means a communication deficit(s) with impairment in the area(s) of fluency, articulation, voice, or language that adversely affects a student's educational performance and access to the general education curriculum. Dialectal variations alone do not qualify a student to be classified as having speech or language impairment.

B. ...

1. Articulation—non-maturational speech deficit of one or more phonemes characterized by consistent addition, substitution, omission, or consistent incorrect production of speech sounds, and:

a. for a student enrolled in kindergarten or above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates that it is unlikely based on the student's rate of learning, that the student will acquire correct use of targeted phoneme(s) within a reasonable period of time; or

2. ...

a. for a student enrolled in kindergarten or above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates it is unlikely, based on rate of learning, that the student will attain normal fluency within a reasonable period of time;

b. ...

3. Voice—any consistent deviation in pitch, intensity, quality, or other basic phonatory or resonatory attribute, and:

a. for a student enrolled in kindergarten or above, data from documented intervention(s) conducted by a speech-language pathologist or speech-language pathology assistant that indicates it is unlikely, based on rate of learning, that the student will attain normal voice quality within a reasonable period of time. There must be an assessment conducted by the appropriate medical specialist prior to conducting intervention(s); or

4. Language—impaired deficits in receptive (listening comprehension) or expressive (oral expression) area(s), disorder of linguistics (the study of language processing including phonology, morphology) syntax, semantics, or pragmatics:

a. ...

b. for a student in kindergarten or above, data from intervention(s) conducted by a speech-language pathologist or speech language pathologist assistant that indicates that it is unlikely, based on rate of learning, that the student will acquire targeted language skills that significantly impact the student's educational performance and access to the general education curriculum within a reasonable period of time; and

B.5. - D.1.d. ...

e. Repealed.

f. ...

g. the review and analysis of intervention data for a student enrolled in kindergarten or above and when appropriate for children aged 3-5;

2. an educational assessment conducted to review academic skills and to determine whether the speech or language impairment significantly interferes with the student's educational performance. The effect of the speech or language impairment on educational performance must be documented in the evaluation report, including an analysis of how the student's disability affects access to and progress in the general curriculum:

a. ...

b. for a student suspected of having a language deficit, an educational assessment shall be conducted by an educational diagnostician or other qualified pupil appraisal member;

3. ...

4. information from a parent conference or other communication with the parent(s) to determine whether developmental, health, or other factors may be causing, contributing to, or sustaining the speech or language impairment;

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:912 (May 2009), effective July 1, 2009, LR 51:

§725. Visual Impairment

A. ...

1. If a student has the two disabilities of deafness and blindness, the student must be classified as having deaf-blindness and not developmental delay or multiple disabilities. The LEA shall notify the State Deaf-Blind Census of all students who have both visual and hearing disabilities.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:1211 (July 2023), LR 51:

Chapter 9. Gifted and Talented

§901. Gifted

A. - C.1. ...

a. the student shall obtain a score at least three standard deviations above the mean on an individually administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty; or

C.1.b. - C.2. ...

a. the student shall obtain a score of at least two standard deviations above the mean on an individually or group administered test of intellectual abilities appropriately standardized on students of this age and administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty; or

C.2.b. - D.1. ...

a. an individual assessment of intellectual abilities administered by a certified school psychologist, licensed specialist in school psychology, or licensed psychologist with a school specialty using an instrument or instruments appropriately standardized for students of this age;

D.1.b. - 2.a. ...

b. additional academic assessments in the areas listed below, individually or group administered, by qualified pupil appraisal personnel, specifically when the student does not meet criteria based on IQ alone. District-wide test scores and scores obtained from screening instruments shall not be used in the Standard Matrix as part of the individual evaluation:

- i. Achievement in reading;
- ii. Achievement in mathematics;

c. - d. ...

E. Gifted Matrix.

1. Achievement points are based on standard deviation (SD) in the following assessed areas:

- a. intellectual abilities;
- b. achievement in reading; and
- c. achievement in mathematics.

2. Point values are as follows: a.

1.0 < 1.49 SD = 1 point.

b. 1.5 < 1.99 SD = 2 points.

c. > 2.0 SD = 3 points.

d. Ages 3:0-4:11, >2.5 SD = 4 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, LR 51:

§903. Talented

A. - C.3. ...

4. State-approved art, music, and theater screening instruments and evaluation instruments are located in the *Talent Evaluation Kit*.

D. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:915 (May 2009), effective July 1, 2009, LR 51:

Chapter 11. Reevaluation Information

§1101. Required Reevaluations

A. - A.2. ...

3. when a significant change in placement is proposed, which means moving the student to a more restrictive environment where the student will be in the regular class less than 40 percent of the day or, for a child ages four through five, in the regular early childhood program less than 40 percent of the time;

4. when a student is no longer suspected of having an exceptionality. This includes students having the single exceptionality of speech or language impairment; or

5. when a student is no longer suspected of requiring a related service, including but not limited to speech or language therapy, occupational therapy, physical therapy, or adapted physical education.

B. - C.1. ...

a. a triennial evaluation may be necessary if there are not adequate data to determine whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals in the IEP and to participate, as appropriate, in the general education curriculum;

b. - c. ...

2. may not occur more than once a year, unless the parent and the LEA agree otherwise;

3. may occur when a student is entering high school in the following academic year.

D. ...

E. LEAs should avoid conducting consecutive reevaluation data reviews (RDR) without including additional formal or informal assessments. If a parent specifically declines the additional assessments, an RDR alone may be conducted. If the multidisciplinary team, with input from the parent, determines that the existing data is sufficient to establish a student's eligibility for services or education programming, formal testing may be omitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:916 (May 2009), effective July 1, 2009, amended LR 43:2494 (December 2017), LR 51:

§1103. Parental Consent for Reevaluations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:917 (May 2009), effective July 1, 2009, LR 51:

Chapter 13. Special Services

§1303. Adapted Physical Education

A. Definition. *Adapted Physical Education* is a direct instructional service for school aged students with disabilities who may not safely or successfully engage in unrestricted participation in the vigorous activities of the regular physical education program on a full-time basis. It is also a specially-designed program for children with disabilities aged three through five, who meet the criteria below.

1. Children with disabilities shall have equal access to the provision of physical education. Physical education includes the development of physical and motor fitness. Fundamental motor skills and patterns and skills are developed in individual and group games sports, and activities including intramural and life-time sports.

a. If a child with a disability cannot participate in the regular physical education program, individualized instruction in physical education designed to meet the unique needs of the child shall be provided. Physical education may include modified or adapted physical education.

b. Modified physical education is appropriate for a child who can participate in the general physical education program with accommodations or modifications. Modifications can include supports such as a sign language interpreter or changing rules equipment, time limits, etc.

c. Adapted physical education, also referred to as specially designed or special physical education, is instruction in physical education that is designed on an individual basis specifically to meet the needs of a child with a disability.

B. - B.1.a.iii. ...

b. Repealed.

2. - 2.a.iii. ...

b. Repealed.

3. - 3.a....

b. Repealed.

C. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:918 (May 2009), effective July 1, 2009, LR 51:

Chapter 15. Related Services

§1501. Overview

A. ...

B. When the need for such services is indicated by the referral concerns during the evaluation process, the evaluation coordinator shall ensure that appropriate and qualified personnel participate in the evaluation process. The criteria for eligibility for school health services, occupational therapy, orientation and mobility services, physical therapy, school psychological, school social work and speech/language pathology services immediately follow this overview. Eligibility criteria for other related services are based on written documentation of need as determined through the evaluation process. When specific criteria to determine eligibility for other related services are necessary, the services will be added to the evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:919 (May 2009), effective July 1, 2009, LR 51:

§1503. Occupational Therapy

A. - A.5. ...

B. Criteria for Eligibility. Evidence of criteria must be met in accordance with this Section.

1. The student is classified and eligible for special education services. There is documented evidence that occupational therapy is required to assist the student to benefit from access and participation in special education services.

a. - b.iii. Repealed.

2. The student demonstrates a motor functional performance impairment limiting the student's access and participation in the educational program in one of the following categories: Developmental, Motor Function, or Sensorimotor.

3. Functional participation and access may include but is not limited to motor function, classroom skills, playground and physical education participation, self-help skills, mobility, assistive technology needs, sensory self-regulation, and prevocational and transition needs.

4. According to clinical and/or behavioral observations which may include but are not limited to available current medical information, medical history, and /or progress reports from previous therapeutic intervention, the student exhibits limitations that affect the physical functioning in the educational setting. These limitations might include abnormalities in the area(s) of fine motor, sensorimotor, visual motor, oral motor, or self-help skills. In addition to OT assessment, current student information must indicate one of the following abilities:

a. improve educational access and participation with occupational therapy intervention;

b. maintain access and participation functioning with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, OT would not be required in the educational setting; or

c. slow the rate of regression of access and participation functioning with therapeutic intervention if the student has a progressive disorder.

5. Additionally, the student must require the clinical expertise of an occupational therapy practitioner to improve function, maintain function, or slow the rate of regression of functional performance.

6. Developmental. Students, excluding those with neurophysiological impairments, who demonstrate a fine motor, visual motor, oral motor, or self-help delay.

7. Motor Function. According to clinical and/or behavioral observations, which may include but are not limited to available current medical information, medical history, and/or progress reports from previous therapeutic intervention, the student exhibits neurophysiological limitations or orthopedic limitations, that affect the physical functioning in the educational setting. The limitations might include abnormalities in the area(s) of fine motor, visual motor, oral motor, or self-help skills. In addition to OT assessment, current student information must indicate one of the following abilities:

a. an ability to improve educational access and participation with occupational therapy intervention;

b. an ability to maintain access and participation with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, OT would not be required in the educational setting;

c. an ability to slow the rate of regression of access and participation with therapeutic intervention if the student has a progressive disorder; or

d. the student must require the clinical expertise of an occupational therapist to improve motor function, maintain motor function, or slow the rate of regression of motor function.

8. Sensorimotor. According to clinical behavior observation and/or an appropriate assessment instrument, the student exhibits an inability to integrate sensory stimulus effectively, affecting the capacity to perform functional activities within the educational setting. The activities might include abnormalities in the area of fine motor, visual motor, oral motor, self-help, or sensory processing such as sensory awareness, motor planning and organization of adaptive responses. In addition to OT assessment, current student information must indicate an ability to improve functional activity performance through OT intervention.

C. - C.1.a. ...

b. an assessment of motor abilities, functional and performance according to current American Occupational Therapy Association (AOTA) guidelines and Louisiana Standards of Practice.

2. - 3. ...

a. Does this problem interfere with the student's ability to benefit from access to and participation in the educational program?

b. ...

c. Does the occupational therapy practitioner bring unique expertise without which the student will not achieve the IEP goal?

4. The provision of services shall be determined at the IEP Team meeting, using the evaluation data and input of the occupational therapist and the results and recommendations of the therapy assessment including but not limited to the occupational therapist bringing unique expertise without which the student will not achieve the IEP goals. The continuation of services will be determined at the annual IEP review using data and input from the therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:920 (May 2009), effective July 1, 2009, LR 51:

§1507. Physical Therapy

A. - B.1. ...

a. The student is classified and eligible for a special education program. There is documented evidence that physical therapy is required to assist the student to access and participate in the education setting.

b. ...

2. Developmental. Students, excluding those with neurophysiological impairments, who demonstrate a limitation which affects the ability to benefit from the education program and demonstrate a gross motor delay.

a. - c. Repealed.

3. Motor Function. According to clinical and/or behavioral observations—which may include but are not limited to available current medical information, medical history and/or progress reports from previous therapeutic intervention—the student exhibits neurophysiological, orthopedic, cardiovascular, respiratory, or sensorimotor

limitation that affect his or her gross motor functional participation in the educational setting.

a. - a.iii. Repealed.

4. Functional participation and access may include but is not limited to positioning and access in the educational environment, campus mobility, playground access, physical education participation, self-help skills, assistive technology needs, and prevocational and transition needs.

5. In addition to PT assessment, current student information must indicate one of the following:

a. an ability to improve motor functioning as it related to the educational setting with physical therapy intervention;

b. an ability to maintain motor functioning with therapeutic intervention, but if the student maintains motor functioning without therapeutic intervention, PT would not be required in the educational setting; or

c. an ability to slow the rate of regression of motor function with therapeutic intervention if the student has a progressive disorder.

6. The student must require the clinical expertise of a physical therapist to improve motor function, maintain motor function, or slow the rate of regression of motor function.

C. - C.2. ...

a. Does this problem interfere with the student's ability to access and participate his or her educational program?

b. ...

3. The provision of services shall be determined at the IEP Team meeting using data and the input of the therapist and the results and recommendations of the therapy assessment including but not limited to the physical therapist bringing unique expertise without which the student will not achieve the IEP goals. The continuation of services will be determined at the annual IEP review using data and input from the therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:921 (May 2009), effective July 1, 2009, LR 51:

§1509. School Health Services and School Nurse Services

A. Definition. *School Health and School Nurse Services* are specially designed for a student who has a disability (defined under federal and state statutes), having a special health need, and who is unable to participate in his or her educational program without the use of such health services, which may include, among others, health treatments, technology, and/or management.

1. The school health services referred to in this Section are those determined through a health assessment during the evaluation process.

2. The school nurse services referenced in this Section are determined through a health assessment during the evaluation process.

B. - B.1.b. ...

c. A prescription from a physician or dentist or other licensed health care professional licensed to practice in Louisiana or any state of the United States and qualified in accordance with their licensed scope of practice prescribes

the health treatment, technology, and/or health management that the student must have in order to function within the educational environment; or there is a documented need for a modification of his or her activities of daily living.

C. Procedures for Evaluation. When there is evidence of the need for health technology, treatment and/or management, the assessment of a student by a school registered nurse or other qualified personnel shall include at a minimum the following procedures:

1. - 2. ...

3. the provision of services through the development of the Individualized Health Plan will be determined at the IEP Team meeting, using the input from the school nurse or other qualified personnel and the results and recommendations of the health assessment. The continuation of services will be determined at the annual IEP review using input from the school registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436, and R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:922 (May 2009), effective July 1, 2009, amended LR 42:401 (March 2016), LR 51:

§1511. School Psychological Services

A. Definition. *School Psychological Services* include but are not limited to:

1. administering psychological, intellectual, and educational tests, and other assessment procedures;

2. ...

3. obtaining, integrating, and interpreting information about student behavior and conditions relating to learning, which may also include assisting in the development of academic, behavioral, and social emotional intervention strategies, progress monitoring, evaluating intervention and service delivery outcomes, conducting functional behavior assessments, and conducting program evaluations;

4. consulting with other staff members in planning school programs to meet the special educational needs of students as indicated by formalized assessments, interviews, direct observation, and behavioral evaluations;

5. planning and managing a program of psychological services, including psychological counseling for students and parents which may also include implementing and/or monitoring interventions, conducting social skills training, anger management/conflict resolution training, study skills training, social-emotional learning strategies/interventions, substance abuse prevention, crisis prevention and intervention, parent skills training, and coordinating services with other community agencies; and

A.6. - C.1.b. ...

c. any additional procedures judged necessary to determine if the area of concern interferes with the student's ability to benefit from the educational program.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:922 (May 2009), effective July 1, 2009, LR 51:

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 the rule proposed for adoption,

repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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 the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: *Bulletin 1508—Pupil Appraisal Handbook—Screenings and Evaluations of Students for Special Education and Related Services*

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change provides comprehensive updates to the evaluation of students with suspected disabilities. The rule change includes updates to the following: the definition of Response to Intervention (RTI); addition of licensed specialists in school psychology and licensed psychologists with a school specialty to serve on pupil appraisal teams; autism criteria aligned to current language in diagnostic and statistical manuals; evaluation considerations in alignment with *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*; school health and school nurse services; language regarding prescriptions from a physician licensed in any state; and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. The amendments provide clarity and implement standard procedures for screening and evaluation of students with known or suspected exceptionalities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

School districts may experience improved flexibility in hiring individuals to serve on pupil appraisal teams due to the expanded criteria for certain roles on the teams.

Beth Scioneaux
Deputy Superintendent
2509#069

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Child Safety and Welfare
(LAC 28:CLXI.Chapters 1-21;
LAC 28:CLXV.103, 310, 503, and 507)

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) proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* and LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. Act 409 of the 2025 Regular Legislative Session established child safety and welfare minimum standards that require revisions to BESE policy regarding early childhood care and education centers and programs. Additionally, Act 351(2025) mandates eligibility criteria for public funding.

Title 28 EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

Early Learning Center—any child day care center, early head start center, head start center, nonpublic school prekindergarten program, or stand-alone prekindergarten program that is not attached to a school. The definition does not include Montessori schools, camps, and registered family day care homes.

State Central Registry—repository within the Louisiana Department of Children and Family Services (DCFS) that identifies any individual reported to have a substantiated finding of abuse or neglect of a child or children by DCFS.

Student Mentor—a student in fifth grade or above who is enrolled at the school that is associated with the center and is present in the center in a mentoring role. A student mentor shall not be left alone with children outside of supervision of licensed center staff and shall not be counted in the child to staff ratio.

Student Trainee—a student who is at least age 16 and present in the center as an educational course requirement. A student trainee shall not be left alone with children and shall not be counted in the child to staff ratio.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024), LR 51:

Chapter 3. Licensure

§301. Requirement of Licensure

A. - B. ...

C. A prekindergarten program operated by a nonpublic school serving children in grades kindergarten and above, and in which all children have not reached age five by September 30 of the current school year, shall be licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.34 and R.S. 17:24.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 51:

§303. Exemptions from Licensure

A. A public day school serving children in grades kindergarten and above, including any pre-kindergarten attached thereto, except as provided in §301.B, is exempt from the provisions of this bulletin. A nonpublic day school serving only children in grades kindergarten and above is exempt from the provisions of this Part.

B. - C. ...

D. Nothing in this bulletin shall apply to children in programs licensed or operated by the Louisiana Department of Health (LDH), the Department of Children and Family Services (DCFS), or the United States Department of Defense.

E. A school in which the prekindergarten program is accredited or provisionally accredited by the Louisiana Montessori Association and all children have reached age three by September 30 of the current school year is exempt from the provisions of this Part.

F. A registered family day care home is exempt from the provisions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.35.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 47:1275 (September 2021), LR 51:1805

§305. Operating Without a License; Registry; Penalties

A. - B. ...

C. Upon receipt of a court order enjoining an individual or entity from operating an early learning center without a valid, current early learning center license, the department shall notify local law enforcement, the local superintendent, and the early childhood community network lead agency, if different, in the parish in which the unlicensed care was provided, and in the parish in which the individual resides, if known and different from the parish in which the unlicensed care was provided, of the existence of such a court order.

D. The department shall publish on its website in a statewide registry the names of individuals or entities that have an existing court order prohibiting them from operating an early learning center without a current, valid early learning center license and that do not currently operate a center with a current valid license. The registry shall at a minimum include the name of the individual, the name of the center under which the unlicensed care was provided, and the parish in which the unlicensed care was provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:1710 (October 2023), LR 51:

Chapter 5. Ownership of Early Learning Centers

§501. Definitions

Juridical Entity—a corporation, partnership, limited-liability company, church, university, ~~or~~ governmental entity, or other non-natural person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.31 et seq., R.S. 17:407.41, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 51:

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. - E.8. ...

9. written documentation establishing direct or indirect ownership of the center, as defined in §501 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 47:1275 (September 2021), LR 51:

§705. Access

A. - B.5. ...

C. Each early learning center shall maintain a secured point of entry into the licensed space or school to provide for supervision of ingress and egress during operating hours or when children are present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 51:

§711. Renewal Applications

A. Repealed.

B. An application for renewal of a license shall be submitted using the department's online electronic system, prior to the first day of the month in which the current license expires.

C. ...

D. Repealed.

E. Failure to submit a complete renewal application in accordance with this Section, including the total annual licensure fee and all required documentation, may result in nonrenewal and expiration of the license.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40, and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 51:

Chapter 9. Changes Requiring a New License

§901. Change in Location

A. Change in Location. When a center changes location, it is considered a new operation, and the center must submit a change in location application and fee for licensure, have verification of substantial compliance with the applicable licensing regulations, and have obtained approval from LDOE of the change in location application prior to opening at the new location.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 50:967 (July 2024), LR 51:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. - E. ...

F. Child Safety and Minimum Standards Information. The LDOE shall provide information about child safety and minimum standards to each licensed center, no later than August first of each year. Each center shall distribute the document to the parents of all children enrolled in the center at the beginning of each school year. The document may be distributed electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023), LR 50:968 (July 2024), LR 51:

Chapter 13. Denial, Revocation or Non-Renewal of License

§1305. Posting of Notice of Revocation, Suspension, or Refusal to Renew

A. The LDOE shall prominently post notice of a revocation or refusal to renew action at each public entrance of the center within one business day of such action. Notice of suspension may also be posted at each public entrance of the center.

B. Such notice of revocation or refusal to renew shall remain posted and visible to parents of children at the center throughout the pendency of any appeals of the revocation. Such notice of suspension, if posted, shall remain posted and visible to parents of children at the center throughout the pendency of the suspension.

C. The center shall not permit the destruction or removal of a notice of revocation, suspension, or refusal to renew action and shall ensure that the notice continues to be visible to any person entering the center throughout the pendency of any appeals or through the suspension period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 44:1863 (October 2018), LR 47:1276 (September 2021), LR 51:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. A center shall maintain in force at all times current commercial liability insurance for the operation of the center to ensure medical coverage for children in the event of accident or injury or other such liability insurance as verified by the owner of the center to ensure medical coverage for the children in the event of accident or injury for which the center may be liable.

B. Documentation of sufficient liability insurance shall consist of the insurance policy or current binder that includes the name of the early learning center, physical address of the center, name of the insurance company, policy number, period of coverage, and explanation of the coverage. If the center is self-insured, or if more than one insurance type is combined to comprise the required coverage, a notarized affidavit certifying the arrangement must be included with the insurance documentation submitted to LDOE.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 49:1712 (October 2023), LR 51:

§1507. Daily Attendance Records

A. - C. ...

D. Student Trainees and Student Mentors. A daily attendance record shall be maintained for all student trainees and student mentors to include the student's first and last name, school affiliation, date, and arrival and departure times.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 50:968 (July 2024), LR 51:

Chapter 17. Minimum Staffing Requirements and Standards

§1709. Director Qualifications

A. - B.1. ...

2. a national administrator credential and one year of experience in teaching or care in a licensed early learning center, or comparable setting, plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration, subject to approval by the department;

3. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the department plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration approved by the department, or

4. current or prior employment at a school as a principal, assistant principal, or headmaster and either a graduate degree in any area from an institution accredited in

accordance with 34 CFR 602, principalship on a valid Louisiana teaching certificate, or a valid Louisiana EDL certificate.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 51:

§1711. Child-to-Staff Minimum Ratios

A. - B.1. ...

2. Only those staff members directly providing care, supervision or guidance to children shall be counted in the child to staff ratios. The same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

C. The department's form noting required child-to-staff ratios shall be visibly posted in each room included in the center's licensed capacity. The form shall include a phone number to file complaints regarding supervision.

D. - L.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024), LR 51:

§1713. Supervision

A. ...

B. Children shall not be left alone in any room, (except the restroom as indicated in Subsection G of this), outdoors, or in vehicles, even momentarily, without staff present (except when being provided services by therapeutic professionals, or when the child is in custody of a parent or legal guardian as defined in §103 of this Part).

C. - G.1. ...

a. a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm or to assist with an accident while in the restroom;

b. individuals who are not staff members or therapeutic professionals may not enter the center restroom area while in use by any child other than their own child,

c. if a prekindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the prekindergarten program or early learning center are not unsupervised when in the restroom at the same time as any older children who are using the restroom; and

d. for any facility constructed after January 1, 2026, there shall be designated separate restrooms for the children enrolled in the prekindergarten program or early learning center.

2. A child age five and older may be permitted to go and return from the restroom without staff.

H. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 42:554 (April 2016), LR 44:250 (February 2018), effective March 1, 2018, LR 51:

§1719. Orientation Training

A. - A.10. ...

11. closing policy;

12. transportation policy and vehicle inspection procedures; and

13. notification that parents' written consent to release as required by §1515.B. of this Part shall not be applicable to staff members' personal communication devices or accounts and shall only provide for the release of information, recordings, or photographs by the center. Documentation, signed by each staff member, confirming receipt of the policy shall be maintained.

B. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023), LR 51:

§1727. Child Neglect and Abuse Mandatory Reporter Training

A. - B. ...

C. Beginning with the 2026-2027 school year and not later than September thirtieth of each year thereafter and in a manner prescribed by LDOE, each owner or operator of an early learning center shall submit a list to LDOE of all teaching and child care providers employed by the entity and identify the employees who have complied with the training requirements in accordance with this Section and those employees who have not complied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, Article 603.1, and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:1278 (September 2021), amended LR 51:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - A.4. ...

B. A person shall also be ineligible for child care purposes if upon the department's written request to DCFS after March 1, 2018, for information as to whether a person's name is on the state central registry within DCFS, the department receives written notice from DCFS that the person's name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect.

1. Until the required written notice is received from DCFS indicating that a person's name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the CCCBC require a determination of ineligibility.

C. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1866 (October 2018), amended LR 45:224 (February 2019), LR 47:1278 (September 2021), LR 51:523 (April 2025), LR 51:

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1901. General Safety Requirements

A. - A.2. ...

3. Centers located in schools and churches shall have a staff-dedicated phone or two-way communication system within the licensed area.

A.4. - S.5. ...

T. Water beads or Orbeez shall be prohibited from the premises.

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 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023), LR 50:969 (July 2024), LR 51:

§1903. Physical Environment

A. - D.1. ...

a. A center may request approval from the Office of State Fire Marshal and the LDOE, that starting August 1 each academic year, for children who are ages four and above by September 30 of the same year, 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.

D.1.b. - 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), LR 51:

§1919. Food Service and Nutrition

A. All meals and snacks provided by the center, and their preparation, service and storage, shall meet the requirements for meals of the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP), 7 CFR 226.20, and LAC 51:XXIII. If the center is located within a school that participates in the National School Lunch Program (NSLP) and the children are enrolled in that school, the center may follow applicable USDA NSLP meal pattern requirements and service guidelines in lieu of CACFP requirements per 7 CFR 210 and 220.

B. - I. ...

J. Bottled formula/breast milk for children shall be labeled with the child's name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:1714 (October 2023), LR 51:

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. - D.1. ...

D.2. A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in compliance with the transportation regulations in accordance with this Chapter and §1719 of this Part, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

D.3. - F.3.g. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 42:556 (April 2016), LR 44:257 (February 2018), effective March 1, 2018, LR 51:

Title 28 EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

Early Learning Center—any child day care center, early head start center, head start center, nonpublic school prekindergarten program, or stand-alone prekindergarten program that is not attached to a school. The definition does not include Montessori schools, camps, and registered family day care homes.

Head of Household—an individual who is over the age of 18 or under the age of 18 and emancipated by law with whom the child customarily resides more than half the time, and is a U.S. citizen or has satisfactory immigration status in accordance with 8 U.S.C. 1641(b). The head of household is either the child's parent or an adult household member with primary responsibility for the child's financial support and care, if the parent is not living in the home or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself and his child(ren).

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024), LR 51:524 (April 2025), LR 51:

Chapter 3. CCAP Provider Certification

§310. Child Care Criminal Background Checks (CCCBCs) for Family Child Care Providers and In-Home Child Care Providers

A. - B.1.d. ...

2. A person shall also be ineligible for child care purposes if upon the department's written request to DCFS after March 1, 2018, for information as to whether a person's

name is on the state central registry within DCFS, the department receives written notice from DCFS that the person's name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect.

a. Until the required written notice is received from DCFS indicating that a person's name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the person's CCCBC require a determination of ineligibility.

B.3. - G.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:258 (February 2018), effective March 1, 2018, amended LR 48:31 (January 2022), LR 51:

Chapter 5. CCAP Household Eligibility

§503. Children Eligible for CCAP

A. - A.2. ...

3. customarily resides more than half the time with the person (head of household) who is applying for CCAP. The applicant shall verify U.S. citizenship or satisfactory immigration status in accordance with 8 U.S.C. 1641(b). A child is still considered to be residing with the head of household for up to six weeks of scheduled absences from the home or early learning center, if there are definite plans for the child to return to the home or early learning center;

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 51:

§507. Certification Requirements for Categorically Eligible Households

A. - A.4.b. ...

5. verify U.S. citizenship or satisfactory immigration status in accordance with 8 U.S.C. 1641(b).

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 50:971 (July 2024), LR 51:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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 Revised Statutes, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred 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? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Child Safety and Welfare**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change in response to Act 409 of the 2025 Regular Session, is anticipated to increase expenditures in the Louisiana Department of Education by \$877,792 beginning in FY 26. The Act, and accompanying rule change, requires all nonpublic pre-kindergarten programs to be licensed as early learning centers and apply by 1/01/26; prohibits a person whose name is recorded on the state central registry (SCR) on or after 8/01/18 from participating in the governance of certain child-related services and being hired by certain school boards, nonpublic schools, and school systems; requires certain school boards to dismiss certain school employees whose name is recorded on the SCR on or after 8/01/25; requires compliance with child safety and welfare minimum standards no later than 10/01/25; and requires LDOE to publish all child-related business violations on its website.

Additional LDOE staff will be required to process the additional applications for licensure and ongoing monitoring and inspection of the increased number of early childhood centers located in nonpublic schools, estimated at eight authorized positions. These include six (6) Licensing Specialists I/II to conduct inspections and monitor an additional 254 nonpublic prekindergarten programs; one (1) Licensing Supervisor to train specialists, review inspection reports for accuracy, and conduct onsite quality monitoring; and one (1) Licensing Consultant to review initial, renewal, and changing licensing applications and conduct consultations regarding compliance with Louisiana early learning center licensing regulations. The estimated cost for these positions, \$877,792, was appropriated in Act 1 of the 2025 Regular Legislative Session (p. 159, lines 8-13).

The requirement concerning the collection of information regarding completion of the DCFS mandated reporter training will require a system modification to the existing system. Due to the implementation timeline, LDOE will be able to request these builds through existing processes and contracts. No additional cost is expected. Production and dissemination of the required document regarding the minimum safety standards have been completed using existing resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is potential effect on the revenue collections of state or local governmental units as a result of the proposed rule change. Administrative fees ranging from \$25 to \$250, depending on the size of the center, are collected with each application for initial licensure in accordance with R.S. 17:407.39.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Some early childhood programs in nonpublic schools may require updates to facilities in order to comply with mandated licensure. Additional classroom space and/or staff may also be needed to fulfill minimum standards and licensure requirements. The extent to which this will be required is indeterminable. There is also a cost of approximately \$100 associated with each Child Care Criminal Background Check determinations for employees and/or employers. The cost may vary depending on the fingerprinting location utilized. The rule

also requires separate restrooms for students enrolled in prekindergarten programs or early learning centers constructed after 1/01/26, possibly resulting in additional expenditures for construction; however, this amount is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is potential effect on competition and employment as a result of the proposed rule change. Additional staff will be required for some schools and centers to meet the ratio requirements. The additional requirements for local public and nonpublic schools regarding state central registry clearance could impact employment at these schools.

Beth Scioneaux
Deputy Superintendent
2509#066

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Educator Preparation, Evaluation, and Credentials
(LAC 28:XLV.Chapters 1-7; LAC 28:CXXXI.507 and 1505; LAC 28:CXLVI.Chapter 3; and LAC 28:CXLVII.325)

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) proposes to amend LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*, LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, LAC 28:CXLVI in *Bulletin 146—Competencies and Standards for Teachers and Educational Leaders*, and LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

- Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
 - Act 270. VAM and student attendance
- Bulletin 146—Competencies and Standards for Teacher and Educational Leaders
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention
- Bulletin 746—Louisiana Standards for State Certification of School Personnel
 - Act 268. Computer Science
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention
- Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
 - Act 268. Computer Science
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention

Further revisions adopt language, general educator, and English learner competencies, certification requirements, a new educator leader pathway, procedures for educator preparation program closure, program quality clarification, policy language alignment, and technical edits.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of
Teacher and/or Educational Leader Preparation
Programs**

Chapter 1. Introduction

§103. Definitions

* * *

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Pathway—the set of teacher preparation programs that are offered to undergraduate and post-baccalaureate candidates.

Post-Baccalaureate Alternative Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university with an approved teacher education program.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:272 (February 2025), LR 51:

**Chapter 3. Initial State Approval for Teacher or
Educational Leader Preparation
Programs**

§307. Program Dissolution

A. The planned dissolution of an existing BESE-approved preparation program or certification area shall be reported to LDOE within five business days of the provider's determination to dissolve the program or pathway.

B. Upon receiving notification, the LDOE shall assist the provider with completing the dissolution process, which may include submitting documentation related to enrolled candidates, teach-out plans, and other required information, as applicable.

C. A provider whose program has begun implementation of an LDOE dissolution plan shall not advertise the program nor enroll new candidates. Once the program is dissolved, the provider shall not advertise or operate the program nor enroll new candidates.

D. Upon completion of the dissolution plan, the program and/or certificate areas shall be submitted to BESE to rescind the program approval.

E. Reinstatement of a dissolved program is prohibited. A provider that has had all or part of its program pathways dissolved may submit a new program proposal no sooner than one calendar year from the official date of closure, in accordance with the LDOE program approval cycle timelines.

F. Failure to comply with the dissolution process or to provide adequate support for enrolled candidates may result in corrective action in accordance with §401.G of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

**Chapter 4. Teacher and Leader Preparation Program
Accountability, Renewal, and Approval**

**§401. Ongoing Approval of Teacher and Leader
Preparation Programs
[Formerly §1101]**

A. In order to offer a state-approved teacher preparation program that allows teachers to become certified by the LDOE, teacher preparation providers shall follow the process/procedures detailed in Chapter 3 of this document. To maintain continued state approval, university and non-university providers must maintain effective ratings on the Louisiana teacher preparation quality rating system.

B. The LDOE shall annually produce and make publicly available a performance profile for each approved preparation provider that includes information at the pathway level. The LDOE shall biennially produce and make publicly available a quality rating for each approved preparation provider at the pathway level.

C. Renewal decisions shall be made every two years and shall be based on the quality rating produced biennially.

D. ...

1. undergo a progress monitoring period during which the provider develops an improvement plan that includes specific improvement goals, timelines, and measures of success for particular pathway(s) or program(s). The improvement plan shall be reviewed and approved by the LDOE and submitted to BESE. The provider shall submit progress reports to the LDOE;

2. The LDOE shall review data outlined in the improvement plan and the Louisiana teacher preparation quality rating system to inform required interventions, which shall include, but are not limited to, one or more of the following:

a. - e. ...

E. Mentor Teacher and Content Leader Certification Preparation. In order to offer state-approved mentor teacher or content leader training that prepares individuals to earn a mentor teacher ancillary certificate or a content leader ancillary certificate in accordance with LAC 28:CXXXI (Bulletin 746), providers must follow the process detailed in Chapter 3 of this Part. To maintain continued state approval, providers must demonstrate that training participants are earning effective ratings on the Mentor Teacher and Content Leader Portfolio Assessments.

F. Mentor Teacher and Content Leader Provider Effectiveness. By no later than December 1, 2019, and biennially thereafter, the LDOE will review and report to BESE effectiveness data of each approved provider offering mentor teacher or content leader training. Effectiveness data will include Louisiana Mentor Teacher and Content Leader Portfolio Assessments passage rates and may include additional information. Based upon these results, BESE may require an improvement plan or may discontinue the provider's ability to recommend candidates for mentor teacher or content leader certification.

G. Corrective Action. The LDOE shall place an approved educator preparation provider into corrective action status, due to noncompliance with BESE policy, failure to meet

established performance expectations, and/or conditions that impact the quality of candidate preparation or student outcomes.

1. A formal notice shall be issued to the provider that outlines the documentation for corrective action and the specific action items required to address the identified status.

2. During the corrective action period, the provider shall engage a third-party auditor approved by LDOE to evaluate program quality and implementation. The provider shall be responsible for all costs associated with the audit.

3. While in corrective action status, the provider is prohibited from submitting new program proposals for BESE consideration.

4. Corrective action status shall remain in effect for a minimum of one year. The provider shall not be released from corrective action until the LDOE verifies that all required action items have been satisfactorily addressed and program performance meets established expectations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:754 (April 2010), amended LR 37:565 (February 2011), LR 43:2488 (December 2017), LR 45:229 (February 2019), LR 48:1756 (July 2022), LR 51:

§403. Teacher Preparation Quality Rating System Participation and Performance Profile Implementation Timeline

A. In accordance with LAC 28:XLV.101, beginning December 2017, the process for ongoing approval of teacher preparation programs will be replaced with a uniform process that applies equally to university and non-university providers.

B. - E. Repealed.

F. - G. ...

H. The LDOE will annually produce and make publicly available a performance profile and quality rating score for each approved preparation provider

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2488 (December 2017), amended LR 45:1061 (August 2019), LR 48:1756 (July 2022), LR 51:

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter A. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. - A.6. ...

7. - 8. Repealed.

B. - C.4. ...

a. instructional goal-setting and planning, including individual education plan (IEP), English Learner Accommodation Checklist, and individual accommodations plan (IAP) review and implementation;

C.4.b. - E. ...

F. Beginning with the 2025-2026 school year, for prescribed certification areas, the program shall include instruction on teaching foundational numeracy skills. Certification areas include B-5, PK-K, elementary 1-5, elementary 1-5 integrated to merged, mathematics 4-8,

mathematics 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged. Instruction shall include but need not be limited to the following:

1. effectively teaching foundational mathematics skills explicitly and systematically;

2. implementing effective mathematics instruction using high-quality instructional materials;

3. providing effective instruction and interventions for students who have difficulty with mathematics; and

4. understanding and using student data to make instructional decisions.

G. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but not be limited to the following:

1. an introduction of the Louisiana Computer Science Content Standards;

2. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and

3. an overview of standards-based instruction based on the core concepts and practices found with the Louisiana Computer Science Framework.

H. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction in crisis intervention and effective strategies for behavior management of students with disabilities, which may be incorporated into an existing course of study.

I. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

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, R.S.17:416.21 and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:1129 (August 2025), LR 51:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - B.6. ...

7. - 8. Repealed.

C. - D.2. ...

a. instructional goal-setting and planning, including IEP, English Learner Accommodation Checklist, and IAP review and implementation;

D.2.b. - F.4.b. ...

G. Beginning with the 2025-2026 school year, for prescribed certification areas, the program shall include instruction on teaching foundational numeracy skills. Certification areas include B-5, PK-K, elementary 1-5, elementary 1-5 integrated to merged, mathematics 4-8, mathematics 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged. Instruction shall include but need not be limited to the following:

1. effectively teaching foundational mathematics skills explicitly and systematically;
2. implementing effective mathematics instruction using high-quality instructional materials;
3. providing effective instruction and interventions for students who have difficulty with mathematics; and
4. understanding and using student data to make instructional decisions.

H. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but not be limited to the following:

1. an introduction of the Louisiana Computer Science Content Standards;
2. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and
3. an overview of standards-based instruction based on the core concepts and practices found with the Louisiana Computer Science Framework.

I. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction in crisis intervention and effective strategies for behavior management of students with disabilities, which may be incorporated into an existing course of study.

J. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:1130 (August 2025), LR 51:

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

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B.14. ...

15. Beginning September 1, 2028, an applicant for initial certification in prescribed areas must have received instruction in foundational numeracy skills or have satisfactorily completed foundational numeracy training approved by LDOE.

a. Certification areas include B-5, PK-K, elementary 1-5, elementary 1-5 integrated to merged, mathematics 4-8, mathematics 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

16. Beginning September 1, 2031, an applicant for initial certification shall have earned coursework that

includes instruction in crisis intervention and effective strategies for behavior management of students with disabilities, which may be incorporated into an existing course of study.

C. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:24 (January 2024), LR 50:488 (April 2024), amended LR 50:660 (May 2024), LR 51:276 (February 2025), LR 51:1130 (August 2025), LR 51:

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate §1505. Educational Leader Certificate Level 1 (EDL1)

A. - A.1. ...

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate, or have a comparable level out-of-state teaching certificate and three years of teaching experience, including experience as a librarian or counselor, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA, or hold an ancillary teaching certificate as defined in Chapter 5 Subchapter C of this Part with at least five years of successful teaching experience verified in accordance with §103 of this Part;

i. The Early Childhood Ancillary Certificate is not an eligible ancillary teaching certificate for the purposes of an EDL1.

A.1.b. - 2. ...

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate, or have a comparable level out-of-state teaching certificate and three years of teaching experience, including experience as a librarian or counselor, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA, or hold an ancillary teaching certificate as defined in Chapter 5 Subchapter C of this Part with at least five years of successful teaching experience verified in accordance with §103 of this Part;

i. The Early Childhood Ancillary Certificate is not an eligible ancillary teaching certificate for the purposes of an EDL1.

A.2.b. - 3. ...

a. hold or be eligible to hold, a Louisiana type B or level 2 teaching certificate, or have a comparable level out-of-state teaching certificate and three years of teaching experience, including experience as a librarian or counselor, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA, or hold an ancillary teaching certificate as defined in Chapter 5 Subchapter C of this Part with at least five years of successful teaching experience verified in accordance with §103 of this Part;

i. The Early Childhood Ancillary Certificate is not an eligible ancillary teaching certificate for the purposes of an EDL1.

A.3.b. - 4. ...

a. hold, or be eligible to hold, a Louisiana type B or level 2 teaching certificate, or have a comparable level out-of-state teaching certificate and three years of teaching experience, including experience as a librarian or counselor, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA, or hold an ancillary teaching certificate as defined in Chapter 5 Subchapter C of this Part with at least five years of successful teaching experience verified in accordance with §103 of this Part;

i. The Early Childhood Ancillary Certificate is not an eligible ancillary teaching certificate for the purposes of an EDL1.

A.4.b. - B.1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), amended LR 50:672 (May 2024), LR 50:974 (July 2024), LR 51:278 (February 2025), LR 51:

Part CXLVI. Bulletin 146—Competencies and Standards for Teachers and Educational Leaders

Chapter 3. Teacher Competencies

Subchapter A. General Teacher Certification Areas and Required Competencies

§301. Overview

A. - I.5.c. ...

6. English Learners:

- a. Subchapter A, General
- b. Subchapter C, Disciplinary Literacy
- c. Subchapter F, English Learners Education

J. - J.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:279 (February 2025), LR 51:

§303. General Competencies

A. - E. ...

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, well-being, language, and physical development, incorporating trauma-informed principles and crisis intervention strategies.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP), or English Learner Accommodation Checklist to allow a student appropriate access to grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of formal and informal assessments and the purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of all students, including students with exceptionalities and English learners, and to guide instruction to meet diverse student needs.

I. The teacher candidate uses language proficiency data to inform instruction and challenge students as language proficiency increases.

J. The teacher candidate promotes communicative language development for classroom participation and fosters literacy growth across all content areas.

K. The teacher candidate implements strategies to create a supportive classroom that fosters student success.

L. The teacher candidate encourages family and community involvement to support student learning and achievement.

M. The teacher candidate creates lessons that simultaneously develop English language skills and discipline-specific knowledge for a native English speaker and an English learner.

N. The teacher candidate integrates teaching strategies and methods that support the development of higher-level thinking skills at all grade levels, considering all English language proficiency levels, while integrating academic language into instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, R.S. 17:24.9, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:281 (February 2025), LR 51:

Subchapter C. English Language Arts (ELA) and Literacy Teacher Competencies

§315. Introduction

A. - D.1....

E. English learner (EL) literacy competencies are applicable to teacher candidates in ELA.

1. The teacher candidate understands fundamental language concepts, English language structure, and the processes of first (L1) and second (L2) language acquisition, recognizing how L1 supports L2 learning.

2. The teacher candidate demonstrates knowledge and pedagogical application of linguistic aspects of the English language, including phonology, morphology, syntax, semantics, and pragmatics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:283 (February 2025), LR 51:

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

Chapter 3. Personnel Evaluation

§325. Extenuating Circumstances

A. - E. ...

F. Neither the value-added model nor the measures of student growth shall include a test score or data of a student who has accrued ten or more absences, whether excused, unexcused, consecutive, or nonconsecutive, in any semester of a given school year. Credit recovery, academic credit, and attendance credit shall not be considered factors relative to such absences in an evaluation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1220 (May 2012), amended LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 40:761 (April 2014), LR 45:233 (February 2019), LR 51:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or

amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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 the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Educator Preparation, Evaluation, and Credentials

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change may result in an increase in local fund expenditures if a school system opts to provide stipends for teachers receiving training in certain areas outside of job-embedded training time, as detailed below; however, such an increase is indeterminable and not anticipated to be significant. During the 2025 Regular Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policies, as follows.

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

- Act 270. Updates language concerning the inclusion of the test scores or data of students with attendance records in the value-added assessment model to provide that test scores should not be included for students with 10 or more absences whether those absences are excused, consecutive, or nonconsecutive within a single semester.

Bulletin 146—Competencies and Standards for Teacher and Educational Leaders

- Act 479. Updates language to require teacher candidates are competent in behavior management techniques in response to individual student differences in cognitive, well-being, language, and physical development by incorporating trauma-informed principles and crisis intervention strategies.

Bulletin 746—Louisiana Standards for State Certification of School Personnel

- Act 353. Requires that beginning 9/01/28, an applicant for initial certification in prescribed areas must have received instruction in foundational numeracy skills or have satisfactorily completed foundational numeracy training approved by LDOE. The department does not anticipate an increase in expenditures to expand the provision of approved numeracy skills instruction courses to include kindergarten through third grade teachers who teach mathematics. LDOE already provides these courses, at no cost, to kindergarten through twelfth grade mathematics teachers; however, local fund expenditures may be realized if a school system opts to offer stipends for teachers who take required training courses outside of their job-embedded training time.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation of Education Acts of the
2025 Regular Legislative Session
(LAC 28:LXXIX.107, 121, 123, 1303, 1903, 2107, 2110,
2111, and 3019 and LAC 28:CXV.Chapters 3-31)

- Act 479. Requires that, beginning 9/01/31, an applicant for initial certification shall have earned coursework that includes instruction in crisis intervention and effective strategies for behavior management of students with disabilities, which may be incorporated into an existing course of study.

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

- Act 268. Requires that beginning with the 2026-2027 school year, for all certification areas, preparation programs include instruction on teaching computer science, which may be incorporated into an existing course of study. The delay of implementation allows the department to include any expenditures necessitated by the provisions of the Computer Science Education Act within its existing computer science budget in future fiscal years. LDOE's current computer science budget supports professional development, teacher certification, and technical assistance grants to expand capacity to offer computer science education across the state.
- Act 353. Requires that beginning with the 2025-2026 school year, for prescribed certification areas, the preparation program include instruction on teaching foundational numeracy skills. Certification areas include B-5, PK-K, elementary 1-5, elementary 1-5 integrated to merged, mathematics 4-8, mathematics 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.
- Act 479. Requires that beginning with the 2027-2028 school year, for all certification areas, the preparation program include instruction in crisis intervention and effective strategies for behavior management of students with disabilities, which may be incorporated into an existing course of study.

Further revisions unrelated to legislative action adopt language, general educator, and English learner competencies, certification requirements, a new educator leader pathway, procedures for educator preparation program closure, program quality clarification, policy language alignment, and technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Current and new teachers will benefit from targeted knowledge needed to teach special skills and diverse populations of students. This professional development will increase the quality of educators in the field and better serve student needs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2509#065

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

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) proposes to amend LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

- Act 409. Child Safety and Welfare
- Act 463. Nutrition
- Act 356. 10 point scale
- Act 268. Computer science

Bulletin 741—Louisiana Handbook for School Administrators

- Act 200. Military status
- Act 409. Child safety and welfare
- Act 449. Vocational/technical courses
- Act 353. Numeracy
- Act 439. School employee bill of rights
- Act 181. Discipline records
- Act 497. Expulsion exception
- Act 210. ACSBD repealed
- Act 103. Parent access to materials
- Act 42. Transportation network companies
- Act 463. Nutrition
- Act 356. 10 point scale
- Act 268. Computer Science

Further revisions reorganize sections regarding graduation course and assessment requirements, alignment of policy language to statute, frequency of work-based learning observations, assessment levels, codification, and technical edits.

Title 28 EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Chapter 1. Operation and Administration §107. School Approval

A. - A.2. ...

3. the school must comply with any other requirements specific to the funding source, including specifically, but not limited to, applicable federal regulations.

B. - J. ...

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 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:306 (February 2013), LR 39:1438 (June 2013), LR 39:3070 (November 2013), LR 50:174 (February 2024), LR 51:

§121. Emergency Planning and Procedures

A. - D.2....

3. Beginning with the 2026-2027 school year and not later than September thirtieth annually, each nonpublic school shall submit a list to LDOE, in the manner communicated by the department, of all employees who have complied with the training and employees that have not complied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, R.S. 29:726.3, and CHC 603.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:51 (January 2025), LR 51:

§123. Personnel

A. - F.1. ...

G. Beginning August 1, 2025, no person whose name is recorded on the DCFS state central registry as a perpetrator for a substantiated finding of abuse or neglect of a child on or after August 1, 2018, shall be hired by any elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent school employee of any kind.

1. An administrator, teacher, or other school employee whose name is recorded on the DCFS state central registry on or after August 1, 2025, shall report the recordation to the employer and LDOE within two business days, exclusive of weekends and holidays.

2. A school shall dismiss any teacher or any other school employee whose name is recorded on the DCFS state central registry after August 1, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:15, 17:22(6), 17:391.1-391.10, 17:411, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005), LR 39:1439 (June 2013), LR 44:2132 (December 2018), LR 50:1447 (October 2024), LR 51:

Chapter 13. Preventive Programs

§1303. Abuse

A. - D. ...

E. All instances of alleged child abuse that occur in a school setting shall immediately be reported to parents and to local or state law enforcement, regardless of the alleged perpetrator.

F. If more than one child is involved in the allegations, the school shall immediately report to the parent of all involved children.

G. Any sexual abuse cases in which the alleged perpetrator is a child shall be referred to DCFS.

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

R.S. 17:391.1-391.10; R.S. 17:411, R.S. 14:403.3, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 51:51 (January 2025), LR 51:

Chapter 19. Support Services

§1903. School Food Service

A. - E. ...

F. Beginning with the 2028-2029 school year and beyond, no public school governing authority or nonpublic school that receives state funds shall serve any food or beverage containing a prohibited ingredient identified in R.S. 197.2 to students in schools under its jurisdiction.

1. The provisions of the Subsection shall apply to breakfast and lunches served to a student on a school campus during regular school hours and to any food or beverages served by the school to a student during aftercare.

2. The provisions of this Subsection shall not apply to food or beverages served or sold in concession stands and vending machines.

3. Each public school and any nonpublic school that receives state funds shall purchase food produced in Louisiana, to the extent practicable.

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), 17:82, 17:191, R.S. 17:391.1-391.10, R.S. 17:197.2, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3080 (December 2005), LR 39:1443 (June 2013), LR 47:1494 (October 2021), LR 51:

Chapter 21. Curriculum and Instruction

Subchapter C. Secondary Schools

§2107. Unit of Credit

A. ...

B. Beginning with the 2024-2025 school year and beyond, each school shall use the ten point grading scale for the purpose of assigning grades used in the calculation of the minimum GPA required for any TOPS award, regardless of whether the school uses a different grading scale for other purposes.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2350 (November 2003), amended LR 31:3081 (December 2005), LR 51:

§2109. TOPS University Diploma

A. Minimum Course Requirements. Course code and course selection criteria shall be in compliance with the TOPS Honors and TOPS Tech course requirements approved jointly by BESE and Board of Regents.

B. - F.8. Repealed.

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

H. For incoming freshmen in the 2014-2015 through 2023-2024 school years who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. - 2.k.Repealed.

3. English—four units;

4. Mathematics—four units;

5. Science—four units;

6. Social studies—four units;
7. Foreign language—two units;
8. Art—one unit;
9. Physical Education—one and one-half units;
10. Health—one-half unit; and
11. Electives—three units.
12. Total—24 units.

I. For incoming freshmen in the 2024-2025 through 2026-2027 school years who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—four units;
4. Social studies—four units;
5. Foreign language—two units;
6. Art—one unit;
7. Physical Education—one and one-half units;
8. Health—one-half unit;
9. Financial literacy—one unit; and
10. Electives—two units.
11. Total—24 units.

J. For incoming freshmen in the 2027-2028 school year and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—four units;
4. Social studies—four units;
5. Foreign language—two units;
6. Art—one unit;
7. Physical Education—one and one-half units;
8. Health—one-half unit;
9. Financial literacy—one unit;
10. Computer Science—one unit; and
11. Elective—one unit.
12. Total—24 units.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:1456 (October 2019), LR 46:1084 (August 2020), amended LR 48:34 (January 2022), LR 48:2098 (August 2022), LR 49:642 (April 2023), LR 50:483 (April 2024), LR 51:

§2110. Career Diploma

A. Minimum Course Requirements. Course code and course selection criteria shall be in compliance with the TOPS Honors and TOPS Tech course requirements approved jointly by BESE and Board of Regents.

B. Curriculum and Entrance Requirements

1. The 23 units required for the career diploma shall include academic credits and a sequence of seven credits in career and technical education for incoming freshmen prior to the 2014-2015 school year or participation in approved training programs that lead to an approved industry-based credential for incoming freshmen in the 2014-2015 school year and beyond.

2. Students with exceptionalities assessed on the regular academic content standards who meet certain requirements may attain a career diploma by meeting the requirements of their IEP. See *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*. Students with exceptionalities assessed on the alternate academic content standards may attain a career diploma by meeting the requirements in §2320 of this bulletin.

C. Career diploma students may qualify for the State Seal of Biliteracy in accordance with §2109.G of this Part.

D. For incoming freshmen in the 2014-2015 through 2022-2023 school years who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one-half unit;
6. Health—one and one-half units; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.
8. Total—23 units.

E. For incoming freshmen in the 2023-2024 school year who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one and one-half units;
6. Health—one-half unit; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.

a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and

b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond

8. Total—23 units.

F. For incoming freshmen in the 2024-2025 through the 2026-2027 school year who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education— one and one-half units;

6. Health—one-half unit; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.

a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and

b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond

8. Total—23 units.

G. For incoming freshmen in the 2027-2028 school year and beyond who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one and one-half units;
6. Health—one-half unit;
7. Computer Science—one unit;
8. Jump Start course sequence, workplace experiences, and credentials—nine units.

a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and

b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond

9. Total—23 units.

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 51:

§2111. State Diploma

A. A nonpublic high school choosing to issue a state diploma shall meet state requirements in accordance with LAC 28:CXV.2316.

B. ...

1. - 3.d.Repealed.

C. Any state-approved nonpublic school that wishes to award the state diploma shall contact the LDOE for time lines and other administrative guidelines for administering state assessments. Any nonpublic school that opts to participate in the state assessment program shall follow BESE policy including the test security policy as defined in LAC 28:XI, *Bulletin 118—Statewide Assessment Standards and Practices*.

C.1. - 2. Repealed.

D. Any approved nonpublic school that does not choose to participate in the state assessment program may grant a school diploma, which shall carry the same privileges as one issued by a state-approved public school.

E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005), LR 36:1498 (July 2010), LR 39:1446 (June 2013), LR 48:38 (January 2022), LR 48:2560 (October 2022) LR 49:642 (April 2023), LR 49:861 (May 2023), LR 51:

Chapter 30. Health and Safety Rules and Regulations for Approved Non-Public School Three-Year-Old Programs

§3019. Child Safety and Welfare Minimum Standards

A. To ensure the safety and welfare of children, all early learning centers and all public and nonpublic prekindergarten programs shall meet minimum standards in accordance with this Chapter. As used in this Section, center includes both early learning centers and prekindergarten programs.

B. There shall be a minimum of two staff members present at any facility when more than four children are present, except under an extenuating circumstance that temporarily prevents compliance with this Paragraph.

C. The child-to-staff ratios shall not exceed the following:

1. Infants and under one year, 5 to 1.
2. One year, 7 to 1.
3. Two years, 10 to 1.
4. Three years, 13 to 1.
5. Four years, 15 to 1.
6. Five years, 19 to 1.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children only for groups that include no children under the age of two.

E. When a mixed age group includes children younger than age two, the age of the youngest child determines the child-to-staff ratio for the group.

F. When the nature of a child with special healthcare needs or the number of children with special healthcare needs warrants added care, the center shall add sufficient staff as necessary.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. The same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. Sufficient staffing needed to satisfy child-to-staff ratios shall be present during rest time and available to assist as needed. Children ages one and older may be grouped together at rest time with one staff member in each room supervising the resting children.

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE shall be posted in each classroom in a location that is visible to parents.

J. Children shall be supervised at all times including on the playground, on field trips, and on non-vehicular excursions.

K. Children shall not be left alone in any room, outdoors, or in vehicles, even momentarily, without staff present.

1. The provisions of this Section shall not apply to restroom use in accordance with this Section, if a child is being provided services by therapeutic professionals, or if a child is in the custody of a parent or legal guardian.

L. A staff member shall be assigned to supervise children whose names and whereabouts that the staff person shall know and with whom the staff members shall be physically present. Staff shall be able to state how many children are in their care at all times.

M. A child who is developmentally able may be permitted to use the restroom independently if a staff member is in proximity to and can see the child to ensure immediate intervention to safeguard a child from harm or to assist with an accident while in the restroom.

1. An individual who is not a staff member shall not enter the restroom are while in use by any child other than his own child.

N. A child age five and older may be permitted to go to and return from the restroom without staff.

O. If a prekindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the prekindergarten program or early learning center are not unsupervised in the restroom at the same time as any older children who are using the restroom. For any facility constructed after January 1, 2026, there shall be designated separate restrooms for the children enrolled in the prekindergarten program or early learning center.

P. Children shall be cleaned and changed immediately following a toileting accident.

Q. By August 1 annually, the LDOE shall provide an informational document to each early learning center and prekindergarten program. The document shall be distributed to the parents and legal guardians of all children enrolled in the center or program at the beginning of each school year and may be distributed electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

**Title 28
EDUCATION**

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

Chapter 3. Operation and Administration

§301. General Authority

A. - B. ...

C. Each local education agency (LEA) shall ensure that all eligible persons, regardless of race, creed, color, national origin, military status, sex, or disability, have access to educational programs supported by public funds.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII §1 and §3; R.S. 17:6; R.S. 17:7; R.S. 17:111; R.S. 17: 151; R.S 17:172; R.S. 17:1941, et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 51:

§326. Child Safety and Welfare Minimum Standards

A. To ensure the safety and welfare of children, all early learning centers and all public and nonpublic prekindergarten programs shall meet minimum standards in accordance with this Chapter. As used in this Section, center includes both early learning centers and prekindergarten programs.

B. There shall be a minimum of two staff members present at any facility when more than four children are present, except under an extenuating circumstance that temporarily prevents compliance.

C. The child-to-staff ratios shall not exceed the following:

1. Infants and under one year, 5 to 1.
2. One year, 7 to 1.
3. Two years, 10 to 1.
4. Three years, 13 to 1.
5. Four years, 15 to 1.
6. Five years, 19 to 1.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children only for groups that include no children under the age of two.

E. When a mixed age group includes children younger than age two, the age of the youngest child determines the child-to-staff ratio for the group.

F. When the nature of a child with special healthcare needs or the number of children with special healthcare needs warrants added care, the center shall add sufficient staff as necessary.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. The same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. Sufficient staffing needed to satisfy child-to-staff ratios shall be present during rest time and available to assist as needed. Children ages one and older may be grouped together at rest time with one staff member in each room supervising the resting children.

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE shall be posted in each classroom in a location that is visible to parents.

J. Children shall be supervised at all times including on the playground, on field trips, and on non-vehicular excursions.

K. Children shall not be left alone in any room, outdoors, or in vehicles, even momentarily, without staff present.

1. The provisions of this Section shall not apply to restroom use in accordance with this Section, if a child is being provided services by therapeutic professionals, or if a child is in the custody of a parent or legal guardian.

L. A staff member shall be assigned to supervise children whose names and whereabouts that the staff person shall know and with whom the staff members shall be physically present. Staff shall be able to state how many children are in their care at all times.

M. A child who is developmentally able may be permitted to use the restroom independently if a staff member is in proximity to and can see the child to ensure immediate intervention to safeguard a child from harm or to assist with an accident while in the restroom.

1. An individual who is not a staff member shall not enter the restroom area while in use by any child other than his own child.

N. A child age five and older may be permitted to go to and return from the restroom without staff.

O. If a prekindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the prekindergarten program or early learning center are not unsupervised in the restroom at the same time as any older children who are using the restroom. For any facility

constructed after January 1, 2026, there shall be designated separate restrooms for the children enrolled in the prekindergarten program or early learning center.

P. Children shall be cleaned and changed immediately following a toileting accident.

Q. By August 1 annually, the LDOE shall provide an informational document to each early learning center and prekindergarten program. The document shall be distributed to the parents and legal guardians of all children enrolled in the center or program at the beginning of each school year and may be distributed electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§339. Emergency Planning and Procedures

A. - M.5. ...

N. Each employee shall annually complete a mandatory reporter training course regarding the statutory requirements and responsibility of reporting child abuse and neglect.

1. A record of completion of the course shall be provided to the employee and retained by the school.

2. The school shall retain a list of all employees who have not completed the training.

3. Beginning with the 2026-2027 school year and not later than September thirtieth annually, each LEA shall submit a list to LDOE of all employees who have complied with the training and employees that have not complied.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:36 (January 2019), LR 45:1746 (December 2019), LR 50:175 (February 2024), LR 51:55 (January 2025), LR 51:

§345. Requesting Waivers of BESE Policy

A. - D. ...

E. If the high school's approved mission or curriculum model does not align with providing vocational and technical education courses, the governing authority of the school may request a waiver from BESE. The waiver request shall include:

1. a letter of justification from the local superintendent; and

2. documentation of the approved mission or curriculum model.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.2(B)(5), R.S. 17:24.10(C)(1)(c), R.S. 17:151(B)(2), R.S. 17:192(B)(2), R.S.17:274(D), R.S. 17:183.4 and R.S. 17:416.2(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1264 (June 2005), amended LR 39:2198 (August 2013), LR 46:1085 (August 2020), LR 51:

Chapter 5. Personnel

§501. Criminal Background Checks

A. - C. ...

D. A teacher or other school employee, upon final conviction or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, shall report the fact of the conviction or plea to his employer within 48 hours, excluding weekends and holidays, of the conviction or plea.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:15, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:443 (March 2009), amended LR 35:1473 (August 2009), LR 39:2200 (August 2013), LR 44:2132 (December 2018), LR 50:1448 (October 2024), LR 51:

§502. Staff Misconduct

A. Each LEA, prior to hiring any employee, shall require that the applicant for employment sign a statement providing for the disclosure of information by DCFS regarding the state central registry and by the applicant's current or previous employer, if such employer is an LEA, relative to all instances of sexual misconduct with students committed by the applicant, if any, and releasing the current or previous employer, if such employer is a city, parish, or other local public school board, and any school employee acting on behalf of such employer from any liability for providing such information.

1. - 10. ...

11. Beginning August 1, 2025, a person whose name is recorded on the DCFS state central registry as a perpetrator for a substantiated finding of abuse or neglect of a child on or after August 1, 2018, shall not be hired by any elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent school employee of any kind.

B. - D.7. ...

8. An administrator, teacher, or other school employee whose name is recorded on the DCFS state central registry on or after August 1, 2025 shall report the recordation to the employer and LDOE within two business days, exclusive of weekends and holidays. A school shall dismiss any teacher or any other school employee whose name is recorded on the DCFS state central registry after August 1, 2025.

E. - E.6.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:81.9; R.S. 17:587.1; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:444 (March 2009), amended LR 35:1099 (June 2009), LR 37:1138 (April 2011), LR 38:41 (January 2012), amended LR 48:31 (January 2022), LR 51:

§511. Completion of Approved Numeracy Skills Course

A. ...

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

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

D. Documentation of Completion. Any teacher hired must provide documentation to the employing school of successful completion of an approved professional development course within two years of the date of employment, as follows:

1. Any fourth through eighth grade teacher hired after July 31, 2025.

2. Any kindergarten through third grade teacher hired after July 31, 2027.

E. - G. ...

H. Not later than August 1, 2027, each kindergarten through third grade teacher must successfully complete at least one approved professional development course and provide documentation to the teacher's employing school. A teacher who provides documentation of successful completion of an approved professional development course within five years prior to August 1, 2027, shall be considered in compliance with the provisions of this Subsection.

I. Each LEA shall provide for numeracy coaches for math teachers in kindergarten through third grade for the purposes of providing on-site training on evidence-based mathematics instruction, demonstrating lessons, co-teaching or observation, and providing feedback for improving instruction, subject to the allocation of funds.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:176 (February 2024), amended LR 51:

§520. School Employee Bill of Rights

A. Respecting the authority of school employees is essential to creating a safe environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that school employees, administrators, parents, and students are fully informed of the various rights conferred upon school employees pursuant to this policy, which are:

1. A school employee has the right to work in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury.

2. A school employee has the right to work free from the fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board for actions taken in the performance of duties of the school employee's employment.

3. A school employee has the right to hold students accountable for disorderly conduct in accordance with state law and a city, parish or other local public school board regulation.

4. A school employee has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the school employee in accordance with state law and with school and district policy.

5. A school employee has the right to be involved in decisions regarding student behavior management.

6. A school employee has the right to have additional compensation in accordance with state law and any compensation provided by any city, parish, or other local public school board regulation.

7. A school employee shall not have his or her wages reduced for any school year below the amount paid to the school employee in hourly wage or annual salary during the previous school year, nor shall the amount of the hourly wage or annual salary paid to any school employee be reduced at any time during the academic year.

8. A school employee serving as a substitute teacher shall have the right to additional compensation.

9. A school employee has the right to be treated with civility and respect.

10. A school employee shall have the right to perform noncomplex medical procedures only if all requirements have been met and documented in accordance with LAC 28: CLVII.

11. A school employee shall have the right to administer medication only if all requirements have been met and documented in accordance with LAC 28: CLVII.

12. A school employee required by law or regulation to be trained for a specific job requirement shall be required to perform those specific duties only if they have received the mandated training and the training has been documented as required by law or regulation.

13. A school employee shall have the right to professional development and career advancement and should be supported in advancing their careers.

14. A school employee shall have the right to complete only paperwork that is not excessively burdensome and that, if required by law or regulation, adheres to the law or regulation and does not result in overly cumbersome interpretations of that law or regulation.

B. No LEA shall establish policies that prevent school employees from exercising the rights as provided in this Section. No principal or administrator shall retaliate or take adverse employment action against a school employee for exercising the rights provided in this Section. The provisions of this Section do not authorize the school employee to violate the provisions of any discipline policy adopted by the public school governing authority.

C. The provisions of this Section shall not be construed to supersede any other state law, BESE policy, or LEA policy enacted or adopted relative to the discipline of students.

D. Each LEA shall provide a copy of this policy to all school employees at the beginning of each school year, shall post a copy of the rights provided in this policy in a prominent place in every school and administrative building it operates, and shall provide a copy to parents or legal guardians of all children attending such schools in a form and manner approved by the school board. Each LEA and every school under its jurisdiction that maintains an internet website shall post on such website a copy of the School Employee Bill of Rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416, R.S. 17:416.18.1, and R.S. 17:416.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 7. Records and Reports

§709. Transfer of Student Records

A. - A1. ...

2. Transferred records shall include the student's full school disciplinary record, including but not limited to the dates of any suspension or expulsion and the reasons for which the student was suspended or expelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112 and R.S. 17:221.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 36:1224 (June 2010), LR 39:2203 (August 2013), LR 51:

Chapter 11. Student Services

§1135. Child Abuse

A. - D. ...

E. All instances of alleged child abuse that occur in a school setting shall immediately be reported to the child's parent and to local or state law enforcement, regardless of the alleged perpetrator.

F. If more than one child is involved in the allegations, the school shall immediately report to the parent of all involved children.

G. Any sexual abuse cases in which the alleged perpetrator is a child shall be referred to DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:403.3., R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 51:49 (January 2025), LR 51:

Chapter 13. Discipline

§1307. Reasons for Expulsions

A. - A.3.c. ...

4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products or found guilty on first occurrence of being in possession of marijuana, tetrahydrocannabinol, or any chemical derivative thereof on school property, on a school bus, or at a school-sponsored event may be recommended for expulsion.

5. A student in grades six and above who is found guilty of being in possession of a firearm, a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school for a minimum period of two complete school semesters and shall be referred to the district attorney for appropriate action. The school principal or designee shall, within five days of arrest, refer such student for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. If evidence of abuse is found, the principal or designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian.

6. ...

7. A student in grades six through twelve found guilty of being in possession of marijuana, tetrahydrocannabinol, or any chemical derivative thereof shall not be subject to the provisions of Paragraph 5 of this Subsection unless the offense is the second or subsequent occurrence.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 39:2211 (August 2013), LR 43:2483 (December 2017), LR 48:1013 (April 2022), LR 51:58 (January 2025), LR 51:

§1319. Advisory Council on Student Behavior and Discipline

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:253.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2096 (August 2022), amended LR 51:36 (January 2025), repealed LR 51:

Chapter 17. Instructional Support

§1701. Instructional Materials and Equipment

A. - B. ...

C. Each LEA shall adopt policies for each school to make instructional materials readily available for review, upon request, by parents or legal guardians of students enrolled in the school. The policy shall:

1. specify reasonable hours for in-person review;
2. provide access to instructional materials, including online access;
3. impose no fee for in-person viewing or access to online instructional materials;
4. establish reasonable and customary fees to be collected to cover the cost of providing copies, if requested; and

5. permit parents to make their own copies on school premises via mobile or other device that has the capability of making copies.

D. Assessments of academic knowledge, skills, or abilities, including non-secure tests, assessments, and assessment answer keys, may be made available to parents at the discretion of the local school board and may include only in-person viewing at the school.

E. The requirement to provide online access to instructional materials shall be limited to curricula that is adopted in accordance with R.S. 17:351.1.

F. Other instructional materials may be made available to a parent in-person in accordance with local rules and policies adopted by the local school board.

G. Each local school board shall submit to the LDOE an electronic copy or a digital link to rules and policies that are adopted pursuant to this Section. The submission shall include the reasonable and customary fee schedule which may be charged to the parent pursuant to this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:355, R.S. 17:6; R.S. 17:7; R.S. 17:351.1 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), amended LR 51:

Chapter 21. Support Services

§2101. Transportation

A. - C. ...

D. Alternate means of transportation may be contracted with a transportation network company in accordance with LAC 28: CXIII.1909.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005), amended LR 39:2212 (August 2013), LR 51:

§2103. School Food Service

A. - E. ...

F. Beginning with the 2028-2029 school year and beyond, no public school governing authority or nonpublic school that receives state funds shall serve any food or beverage containing a prohibited ingredient identified in R.S. 17:197.2 to students in schools under its jurisdiction.

1. The provisions of the Subsection shall apply to breakfast and lunches served to a student on a school campus during regular school hours and to any food or beverages served by the school to a student during aftercare.

2. The provisions of this Subsection shall not apply to food or beverages served or sold in concession stands and vending machines in accordance with R.S. 17:197.1.

3. Each public school and any nonpublic school that receives state funds shall purchase food produced in Louisiana, to the extent practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:82, R.S. 17:191 et seq., and R.S. 17:197.1-2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1287 (June 2005), amended LR 38:3135 (December 2012), LR 39:2212 (August 2013), LR 47:1494 (October 2021), LR 51:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2302. Uniform Grading Policy

A. - A.5. ...

B. Beginning with the 2024-2025 school year and beyond, each school shall use the ten point grading scale for the purpose of assigning grades used in the calculation of the minimum GPA required for any TOPS award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(31)(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2390 (August 2011), amended LR 39:2213 (August 2013), LR 51:50 (January 2025), LR 51:

§2303. Planning and Instruction

A. - H. ...

I. All public high schools shall provide students the opportunity to enroll in available vocational and technical education courses.

1. If a high school does not offer vocational and technical education courses, the governing authority of the school may enter into agreements to partner with other public schools or with one or more two-year public postsecondary education institutions in the state or with nonprofit proprietary schools or Course Choice providers approved by BESE to provide available courses.

2. No student shall be assessed a course fee when the LEA receives career development funds in the MFP for such course. Prioritization of Course Choice funding shall be in accordance with LAC 28:CLI.701.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Art. VIII Preamble and R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 39:2213 (August 2013), LR 40:764 (April 2014), LR 51:58 (January 2025), LR 51:

§2305. Ancillary Areas of Instruction

A. - G. ...

H. Beginning with the 2026-2027 school year, each public high school shall provide instruction in computer science to students, and each public school with students in

sixth through eighth grade shall provide instruction in exploratory computer science.

I. Beginning with the 2027-2028 school year, each public elementary school shall provide instruction in the basics of computer science and computational thinking.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018), LR 44:1868 (October 2018), LR 45:36 (January 2019), LR 45:1746 (December 2019), amended LR 48:33 (January 2022), LR 49:251 (February 2023), repromulgated LR 49:857 (May 2023), amended LR 50:177 (February 2024), LR 51:59 (January 2025), LR 51:

§2316. Assessment Requirements

A. For incoming freshmen in 2010-2011 and beyond, students must meet assessment requirements to earn a standard diploma.

B. Prior to or upon the student's entering the tenth grade, all LEAs shall notify each student and his/her parents or guardians of the requirement of passing LEAP tests.

C. Upon their entering a school system, students transferring to any high school of an LEA shall be notified by that system of the graduation requirement for passing LEAP.

D. Students enrolled in a course for which there is a LEAP test must take the LEAP test.

E. The LEAP test score shall count as a percentage of the student's final grade for the course. The percentage shall be between 15 percent and 30 percent inclusive, and shall be determined by the LEA.

1. For students with disabilities identified under IDEA who meet the participation criteria found in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*, §405.B and R.S. 17:183.2, the LEAP test score shall count for 5 percent of the students' final grade for the course.

2. The grades assigned for the test achievement levels shall be as follows.

- a. Excellent = A.
- b. Good = B.
- c. Fair = C.
- d. Needs Improvement = D or F.

F. For incoming freshmen in the 2010-2011 through 2016-2017 school years must pass three end-of-course tests in the following categories:

1. English II or English III;
2. Algebra I or geometry;
3. biology or American history.

G. For incoming freshmen in the 2017-2018 through 2023-2024 school years must pass three LEAP 2025 assessments in the following categories:

1. English I or English II;
2. Algebra I or geometry;
3. biology or U.S. history.

H. Students who enter traditional grade 9 during or after the 2017-2018 school year are required to score level 2 (approaching basic) or above on English I or English II, Algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

I. Covid Exemption. 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:

1. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or

2. an ACT composite score of 17 or higher for all students; or

3. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

a. 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;

b. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

c. 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

4. 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.

a. 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.

b. 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. 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.

J. For incoming freshmen in 2024-2025 and beyond, the LEAP 2025 Civics assessment will replace the LEAP 2025 U.S. History assessment as the social studies assessment required for graduation. The LEAP 2025 U.S. History assessment will be available through 2026-2027 for those students requiring a retest to fulfill graduation requirements. Students must pass three LEAP 2025 assessments in the following categories:

1. English I or English II;
2. Algebra I or geometry;
3. biology or civics.

K. A maximum of one Carnegie unit of elective credit may be applied toward meeting high school graduation requirements by an eighth grade student who has scored at the *unsatisfactory* achievement level on either the English language arts and/or the mathematics component(s) of the eighth grade LEAP provided the student:

1. successfully completed specially designed elective(s) for LEAP remediation;

2. scored at or above the *basic* achievement level on those component(s) of the 8th grade LEAP for which the

student previously scored at the *unsatisfactory* achievement level.

L. During the transition to new tests, the requirement to count a LEAP 2025 test score as a percentage of the student's final grade will be waived for high school state assessments as follows:

1. English I, English II, Algebra I, and geometry scores from the fall 2017 administration; the decision to include scores from these assessments in final grades in spring 2018 shall be a district decision that must be outlined in the pupil progression plan.

2. U.S. history scores from the fall and spring administrations in 2017-2018;

3. biology scores from the fall and spring administrations in 2018-2019; and

4. civics scores from the fall and spring administration in 2024-2025.

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 51:

§2317. High Schools

A. - L.3.b. ...

M. All public high schools shall advise students of the availability of the TOPS Tech Early Start Award for eligible students and shall provide information on the eligibility criteria of the award.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:178 (February 2024), LR 51:1128 (August 2025), LR 51:

§2318. The TOPS University Diploma

A. Minimum Course Requirements. Course code and course selection criteria shall be in compliance with the TOPS Honors and TOPS Tech course requirements approved jointly by BESE and Board of Regents.

A.1. - C.3. Repealed.

D. - F. Reserved.

G. For incoming freshmen in the 2014-2015 through 2023-2024 school years who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. - 2.k. Repealed.
3. English—four units;
4. Mathematics—four units;
5. Science—four units;
6. Social studies—four units;
7. Foreign language—two units;
8. Art—one unit;
9. Physical Education—one and one-half units;
10. Health—one-half unit; and
11. Electives—three units.
12. Total—24 units.

H. For incoming freshmen in the 2024-2025 through 2026-2027 school years who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—four units;
4. Social studies—four units;
5. Foreign language—two units;
6. Art—one unit;
7. Physical Education—one and one-half units;
8. Health—one-half unit;
9. Financial literacy—one unit; and
10. Electives—two units.
11. Total—24 units.

I. For incoming freshmen in the 2027-2028 school year and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—four units;
4. Social studies—four units;
5. Foreign language—two units;
6. Art—one unit;
7. Physical Education—one and one-half units;
8. Health—one-half unit;
9. Financial literacy—one unit;
10. Computer Science—one unit; and
11. Elective—one unit.
12. Total—24 units.

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), amended LR 48:2098 (August 2022), LR 48:2560 (October 2022), LR 49:642 (April 2023), LR 49:862 (May 2023), LR 50:480 (April 2024), LR 51:50 (January 2025), LR 51:

§2319. The Career Diploma

A. Minimum Course Requirements. Course code and course selection criteria shall be in compliance with the TOPS Honors and TOPS Tech course requirements approved jointly by BESE and Board of Regents.

A.1. - C.3.h. Repealed.

D. ...

E. Curriculum and Entrance Requirements

1. The 23 units required for the career diploma shall include academic credits and a sequence of seven credits in career and technical education for incoming freshmen prior to the 2014-2015 school year or participation in approved

training programs that lead to an approved industry-based credential for incoming freshmen in the 2014-2015 school year and beyond.

2. Students with exceptionalities assessed on the regular academic content standards who meet certain requirements may attain a career diploma by meeting the requirements of their IEP. See *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*. Students with exceptionalities assessed on the alternate academic content standards may attain a career diploma by meeting the requirements in §2320 of this bulletin.

F. - H. Reserved.

I. For incoming freshmen in the 2014-2015 through 2022-2023 school years who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one and one-half unit;
6. Health—one-half units; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.
8. Total—23 units.

J. For incoming freshmen in the 2023-2024 school year who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one and one-half units;
6. Health—one-half unit; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.

a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and

b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond

8. Total—23 units.

K. For incoming freshmen in the 2024-2025 through the 2026-2027 school year who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education— one and one-half units;
6. Health—one-half unit; and
7. Jump Start course sequence, workplace experiences, and credentials—nine units.

a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and

b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond

8. Total—23 units.

L. For incoming freshmen in the 2027-2028 school year and beyond who are completing the Career Diploma, the minimum course requirements shall be the following:

1. English—four units;
2. Mathematics—four units;
3. Science—two units;
4. Social studies—two units;
5. Physical Education—one and one-half units;
6. Health—one-half unit;
7. Computer Science—one unit;
8. Jump Start course sequence, workplace experiences, and credentials—nine units.
 - a. Jump Start 1.0 course sequences shall be available for incoming freshmen through the 2020-2021 school year; and
 - b. Jump Start 2.0 course sequences shall be available for incoming freshmen in the 2020-2021 school year and beyond
9. Total—23 units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:2560 (October 2022), LR 49:252 (February 2023), LR 49:643 (April 2023), repromulgated LR 49:858 (May 2023), LR 50:482 (April 2024), amended LR 50:972 (July 2024), LR 51:50 (January 2025), LR 51:

Chapter 31. Career and Technical Education (CTE)

§3113. Work-Based Learning

A. - E.4. ...

5. The teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain an evaluation of the student's progress at least two times during the school year or semester or one time during summer months in which the student is employed as part of a work-based learning program.

A.6. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005), amended LR 33:280 (February 2007), LR 39:2228 (August 2013), LR 43:2134 (November 2017), LR 50:1148 (August 2024), LR 51:

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 the rule proposed for adoption,

repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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? Yes.

6. Is the family or 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 the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Implementation of Education Acts of the 2025 Regular Legislative Session

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

As detailed below, the proposed rule change will increase expenditures for the Louisiana Department of Education (LDOE) by \$877,792 beginning in FY 26. The proposed rule change updates LAC 28: CXV *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:LXXIX *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* and aligns BESE policy with legislation enacted in the 2025 Regular Legislative Session. The rule change adopts requirements for the implementation of Acts 42, 100, 103, 181, 210, 268, 353, 365, 409, 439, 449, 463, and 497.

Part CXV, Chapter 3, Section 301 (Act 100) adds military status to the current law prohibiting discrimination in public schools. There is no anticipated impact on governmental expenditures as a result of this rule change.

Part CXV, Chapter 3, Sections 326 and 339, and Chapter 5, Sections 501, and 502 and Part LXXIX, Chapter 1, Sections 107, 121, and 123, Chapter 13 Section 1303 and Chapter 30, Section 3019 (Act 409) make changes in compliance with Act 409 will increase expenditures for LDOE by \$877,792 beginning in FY 26. The rule change requires all nonpublic pre-kindergarten programs to be licensed as early learning centers and apply by 1/01/26; prohibits a person whose name is recorded on the state central registry (SCR) on or after 8/01/18 from participating in the governance of certain child-related services and being hired by certain school boards, nonpublic schools, and school systems; requires certain school boards to dismiss certain school employees whose name is recorded on the SCR on or after 8/01/25; requires compliance with child safety and welfare minimum standards no later than 10/01/25; and requires LDOE to publish all child-related business violations on its website.

Additional LDOE staff will be required to process the additional applications for licensure and ongoing monitoring and inspection of the increased number of early childhood centers located in nonpublic schools, estimated at eight authorized positions. These include six (6) Licensing Specialists I/II to conduct inspections and monitor an additional 254 nonpublic prekindergarten programs; one (1) Licensing Supervisor to train specialists, review inspection reports for accuracy, and conduct onsite quality monitoring; and one (1) Licensing Consultant to review initial, renewal, and changing licensing applications and conduct consultations regarding compliance with Louisiana early learning center licensing regulations. The estimated cost for these positions, \$877,792,

was appropriated in Act 1 of the 2025 Regular Session (p. 159, lines 8-13).

The requirement concerning the collection of information regarding completion of the Department of Children and Family Services (DCFS) mandated reporter training will require a system modification to the existing system. Due to the implementation timeline, LDOE will be able to request these builds through existing processes and contracts. No additional cost is expected. Production and dissemination of the required document regarding the minimum safety standards have been completed using existing resources.

Part CXV, Chapter 3, Section 345 and Chapter 23, Section 2303 (Act 449) are not anticipated to result in an impact to expenditures. The rule change provides for a method by which public high schools whose BESE-approved mission or curriculum model does not align with the provision of vocational and technical education can seek a waiver from the requirements of Act 449. Additional changes require that public high schools provide students an opportunity to enroll in available vocational and technical education courses or that school systems may enter into agreements and partner with other public schools or one or more public postsecondary two-year institutions of higher education in the state, or with nonprofit proprietary schools or Course Choice providers approved by BESE offering such courses.

Part CXV, Chapter 5, Section 511 (Act 353) expands the provision of approved numeracy skills instruction courses to include kindergarten through third grade teachers who teach mathematics. This change is not anticipated to increase expenditures as LDOE already provides these courses at no cost. Current law, R.S. 17:24.13 provides that the courses may be completed during the educator's work day, although Act 353 provides that districts may offer a stipend for courses completed outside of the work day. Any increase in local fund expenditures for such stipends is indeterminable and will vary by school system

Part CXV, Chapter 5, Section 520 (Act 439) establishes the School Employee Bill of Rights for school employees in city, parish, or other local public schools, a compilation of numerous provisions of existing law. There are no anticipated impacts to governmental expenditures as a result of this change.

Part CXV, Chapter 7, Section 709 (Act 181) expands current law requirements providing for public schools, including charter schools, to transfer a student's entire disciplinary record, not just suspensions and expulsions, upon the written request of any authorized person on behalf of a public school, nonpublic school, or educational facility within a correctional or health facility where the student is enrolled or seeking enrollment. There is no anticipated direct material effect on governmental expenditures as a result of this change.

Part CXV, Chapter 13, Section 1307 (Act 497) makes changes to disciplinary penalties for certain public school students for certain violations. There is no anticipated impact to governmental expenditures as a result of this rule change.

Part CXV, Chapter 13, Section 1319 (Act 210) reduces the number of required annual meetings of the Early Childhood Care and Education Commission from four to two and abolishes the Louisiana Environmental Education Commission and the Advisory Council on Student Behavior and Discipline. There are no anticipated implementation costs or savings as a result of these changes.

Part CXV, Chapter 17, Section 1701 (Act 103) requires local school boards to develop rules and policies to make certain instructional materials available for online review at no cost, which may result in an increase in local fund expenditures. To the extent a local school system already uses an online database for instructional materials, no additional expenditures are anticipated; however, for systems without an existing database, there may be a one-time increase in

expenditures to develop such a system, with continued annual expenditures for maintenance and any training needed for operation of the system. Any costs will vary by school system and are indeterminable. There is no expected impact on state expenditures as the Louisiana Department of Education (LDOE) will complete the data collection and compilation required using current staff within the scope of their current positions.

Part CXV, Chapter 21, Section 2101 (Act 42) authorizes any city, parish, or local public school board to contract with a transportation network company to transport students under the age of 18 to or from school or a school sanctioned activity. To the extent a city, parish, or other local school system opts to contract with a transportation network company to transport students under the age of 18, an increase in local fund expenditures is anticipated. However, such an expense will vary by school system and be dependent on the specific contract entered into. There is no anticipated impact to state governmental expenditures as a result of the proposed legislation.

Part CXV, Chapter 21, Section 2103 and Part LXXIX, Chapter 19, Section 1903 (Act 463) prohibit public schools and nonpublic schools that receive state funds from serving foods that contain specific artificial colors and additives to students, effective for the 2028-29 school year. A majority of school sites in the state opt in to the Community Eligibility Provision (CEP), which allows schools to offer free meals to all students in high-poverty areas based on a formula to determine federal vs. local responsibility. If the cost of meals increases and federal reimbursement rates are not increased in kind, local fund expenditures may be impacted. If such an impact occurs, it is not anticipated to be significant. LDOE provides that any increase in costs should be absorbable within current federal reimbursement rates. Any impacts to expenditures as a result of this change are not anticipated within the three-year period covered in this FEIS.

Part CXV, Chapter 23, Subchapter A, Section 2302 (Act 365) requires all public and approved nonpublic schools to use a 10-point grading scale for the purpose of assigning grades used in the calculation of the minimum grade point average for the Taylor Opportunity Program for Students (TOPS) award qualification, regardless of whether the school uses a different grading scale for other purposes. There is no anticipated increase in governmental expenditures as a result of this rule change.

Part CXV, Chapter 23, Subchapter A, Sections 2305, 2316, 2317, 2318, and 2319 and Part LXXIX, Chapter 21, Sections 2107, 2109, 2110, and 2111 (Act 268) make changes concerning the delayed implementation of the Computer Science Education Act allowing LDOE to include any expenditures necessitated by the provisions Act within its existing computer science budget in future fiscal years. Additional funding to meet the requirements of the Computer Science Education Act, specifically the hiring of five (5) Teacher Leader Advisors (TLAs), was contemplated and included during the department's FY 26 budget development process.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Changes made to Chapter 3, Sections 326, 339, and Chapter 5, 501, and 502 may result in an increase in revenues for LDOE. Administrative fees ranging from \$25 to \$250, depending on the size of the center, are collected with each application for initial licensure in accordance with R.S. 17:407.39. LDOE reports an anticipated revenue increase of \$6,350 SGR from collecting licensing fees received from nonpublic pre-kindergarten programs due to the proposed law requiring these programs to be licensed as early learning

centers. The department identified 254 nonpublic pre-kindergarten programs without a license that will incur a cost of \$25 per program upon enactment.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Some early childhood programs in nonpublic schools may require updates to facilities in order to comply with mandated licensure, as required by this rule change, in compliance with Act 409. Additional classroom space and/or staff may also be needed to fulfill minimum standards and licensure requirements. This impact is indeterminable. There is also a cost of approximately \$100 associated with each Child Care Criminal Background Check determinations for employees and/or employers. The cost may vary depending on the fingerprinting location utilized. The rule change complies with enacted legislation, requiring separate restrooms for students enrolled in prekindergarten programs or early learning centers constructed after 1/01/26, possibly resulting in additional expenditures for construction; however, this amount is indeterminable.

Providers of school food items may realize an impacts as a result of changes in food purchasing made by public and nonpublic schools in order to comply with the proposed rule change concerning prohibited food items. Any impacts to costs or benefits of these businesses as a result of this change are not anticipated within the three-year period covered in this FEIS.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional employment opportunities for early childhood teachers and support staff (Act 409), transportation network drivers (Act 42), and numeracy coaches (Act 353) could emerge depending on the demand for services in a particular region.

Beth Scioneaux
Deputy Superintendent
2509#067

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation of Education Acts of the 2025 Regular Legislative Session (LAC 28: CXIII.1909; LAC 28: CXXXIX. Chapters 3-43; LAC 28: CLV. Chapters 1-11; and LAC 28: CLVII.307)

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) proposes to amend LAC 28: CXIII in *Bulletin 119—Transportation*, LAC 28: CXXXIX in *Bulletin 126—Charter Schools*, LAC 28: CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28: CLVII in *Bulletin 135—Health and Safety*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

- Bulletin 119—Transportation
 - Act 42. Transportation network companies
- Bulletin 126—Charter Schools
 - Act 413. Charter school start up loan fund
 - Act 129. Charter school assets
 - Act 497. Expulsion exception

- Bulletin 134—Tuition Donation Rebate Program
 - Act 282. Lab schools and tuition donation program
 - Act 403. Tax credit for donations to school tuition organizations
- Bulletin 135—Health and Safety
 - Act 402. Diabetes information

Further revisions to *Bulletin 126* are proposed to clarify processes for criminal background checks, update application submission, and include an attestation of compliance.

**Title 28
EDUCATION**

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

Chapter 19. Transporting Students

§1909. Alternate Means of Transportation

A. A local public school board may contract with a transportation network company to transport students under the age of eighteen to or from a school or school related activity when the transportation network company is in compliance with R.S. 17:166.1.

B. Driver Requirements.

1. The driver is at least twenty-one years of age and possesses a valid Louisiana driver's license for a minimum of three years.

2. The driver has undergone a background check process which includes:

a. a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in the Office of State Police pursuant to R.S. 15:587.1 and R.S. 17:15; and

b. a clear Louisiana DCFS child abuse and neglect screen.

3. The company shall provide child safety education to the driver, to include:

- a. safe driving practices;
- b. first aid and CPR;
- c. special considerations for transporting students with disabilities;
- d. safe pick-up and drop-off procedures; and
- e. laws on proper child restraint systems.

C. Minimum Safety and Technology Requirements.

1. The company shall implement a technology-enabled solution that:

a. provides end-to-end viability of the ride and GPS tracking of the ride in real-time for the company, the passenger's legal guardian, and if different from the legal guardian, the person or entity who scheduled the ride;

b. monitors the ride in real-time for safety-related anomalies; and

c. provides the passenger's legal guardian with the ability to contact the driver and the company directly.

2. The company shall implement ride-tracking technology that allows for the detection of the following driving behaviors:

- a. device use;
- b. speeding;
- c. hard turning;
- d. hard braking;
- e. hard acceleration; and
- f. collision detection.

D. Vehicle Minimum Standards. The company shall ensure that vehicles used to provide services are vehicles originally designed for not more than eight passengers, including the driver; no more than thirteen years old; and annually inspected by a mechanic.

1. The driver shall complete and document a daily pre-trip inspection before providing a ride pursuant to a contract.

2. The pre-trip inspection shall list any defects of deficiencies which would affect the safety of operation of the vehicle. Prior to performing services, any noted defects or deficiencies listed in the annual or pre-trip inspection shall be repaired or corrected.

3. If no defects or deficiencies are discovered by or reported to the driver, the documented inspection shall so indicate.

E. The company shall maintain commercial automotive insurance that does not contain an exclusion for the transportation of an unaccompanied minor.

F. The company shall publish an annual safety report on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:166.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

**Title 28
EDUCATION**

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 3. Charter School Authorizers

§305. BESE Duties Relating to Charter Schools

A. ...

1. Repealed.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:2383 (August 2011), LR 51:

**Chapter 5. Application and Approval Process for
BESE-Authorized Charter Schools**

§503. Eligibility to Apply for a Type 2 Charter School

A. - A.3. ...

a. At the time of application, all new operators and/or experienced operators not currently operating a charter school in Louisiana must undergo a criminal background check for each board member identified with the submission of the full application. The request for information shall be from the Bureau of Criminal Identification and Information and the Federal Bureau of Investigation concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

b. Subsequent board member nominations or replacements shall also be required to undergo the required criminal background check upon appointment.

4. - 5.e....

6. Applicants who have been denied or have withdrawn an application during an application cycle to BESE for a Type 2 or 4 charter may not reapply to BESE until the subsequent calendar year, provided the applicant meets eligibility criteria in accordance with this Part.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:232 (February 2018), LR 47:571 (May 2021), LR 51:37 (January 2025), LR 51:

Chapter 16. School Closure

§1603. Asset Transfer for Charter School Closures

A. If the charter agreement of Type 1, 3, or 3B charter school is revoked or the school otherwise ceases to operate, all assets purchased by the charter school with any public funds becomes the property of the chartering authority.

B. If the charter agreement of a Type 2 charter school that was previously any other type of charter school is revoked or the school otherwise ceases to operate, any property owned by the local school board that was used by the charter school prior to such revocation or cessation operation remains the property of the local school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 51:

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - J. ...

K. Beginning January 1, 2026, the board chair of BESE-authorized charter schools shall submit signed attestations of compliance with all requirements set forth by LDOE in accordance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:270 (February 2025), LR 51:

Chapter 25. Charter School Fiscal Responsibilities

§2509. Assets of BESE-Authorized Charter Schools

A. - E. ...

F. If a Type 1, 3, or 3B charter school is approved for conversion to a Type 2 charter school, all assets purchased with any public funds prior to such conversion shall remain the property of that charter school for the duration of the charter agreement with BESE, subject to federal regulations applicable to any federal funding source used for the purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, R.S. 3983(B)(2), and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 39:3252 (December 2013), LR 44:242 (February 2018), LR 51:

Chapter 40. Charter School Autonomy

§4003. Applicability of State Laws

A. - A.23. ...

24. reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses

relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any substantiated allegation of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code;

25. - 45. ...

46. Student records, R.S. 17:112.

47. Vocational and technical education, R.S. 17:183.4.

48. Child health and safety minimum standards, R.S. 17:407.41.

49. School nutrition, R.S. 17:193.3.

50. Cameras in special education classrooms, R.S. 17:1948.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:178 (February 2024), LR 50:657 (May 2024), repromulgated LR 50:783 (June 2024), amended LR 51:42 (January 2025), LR 51:

§4313. Reasons for Expulsions

A. - A.3.c. ...

4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products or found guilty on first occurrence of being in possession of marijuana, tetrahydrocannabinol, or any chemical derivative thereof on school property, on a school bus, or at a school-sponsored event, may be recommended for expulsion.

5. - 6. ...

7. A student in grades six through twelve found guilty of being in possession of marijuana, tetrahydrocannabinol, or any derivative thereof shall not be subject to the provisions of Paragraph 5 of this Subsection unless the offense is the second or subsequent occurrence.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1003 (April 2022), amended LR 51:43 (January 2025), LR 51:

Title 28

EDUCATION

Part CLV. Bulletin 134—Tuition Donation Rebate Program

Chapter 1. General Provisions

§103. Definitions

A. - A.2. ...

Administrative Costs—all costs and expenses associated with the operation of a school tuition organization, including promotional costs and the costs associated with administering state testing, other than scholarship awards. Administrative costs shall not exceed 5 percent of any donation.

Qualified School—a nonpublic elementary or secondary school in Louisiana which is approved by the Board of Elementary and Secondary Education (BESE) or public elementary or secondary laboratory school operated by a public college or university in Louisiana and which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.*, 425 F. Supp 528.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:553 (April 2016), LR 43:2480 (December 2017), LR 51:

Chapter 3. School Tuition Organizations

§303. Awarding of Scholarships

A. - G. ...

H. Any qualified student receiving a scholarship from a school tuition organization may receive any other publicly funded scholarship, voucher, or other form of public financial assistance specific to that student for purposes of attending a nonpublic school.

I. A qualified student may receive scholarships from multiple school tuition organizations the total amount of which may not exceed the lesser of actual tuition and mandatory fees at the qualified school or:

1. - 2. ...

J. The sum of scholarships received by each qualified student from school tuition organizations and any other publicly funded scholarship, voucher, or other form of financial assistance specific to that student for purposes of attending a nonpublic school shall not exceed the actual tuition and fees at the qualified school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 41:41 (January 2015), LR 42:554 (April 2016), LR 51:

§311. Scholarship and Tuition Payments

A. School tuition organizations shall distribute scholarship payments on a quarterly basis each year as payments made out to a parent of a qualified student that are mailed to the qualifying school where the student is enrolled. The parent shall approve the payment for deposit into the account of the school. If the payment is made by check, the parent may endorse the check electronically. The parent shall not designate any entity or individual associated with the school as the parent's attorney to endorse a scholarship check.

B. ...

C. The LDOE shall verify that each qualified student has received scholarships from school tuition organizations not to exceed the lesser of actual tuition and fees at the qualified school or 80 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten-eighth grade, or 90 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth-twelfth grade. If the total amount of scholarships received from school tuition organizations by a qualified student has exceeded one of these amounts, as applicable, the school tuition organization that awarded the scholarship that caused the student's total scholarship amount to exceed this amount shall refund the state the difference.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1025 (April 2013),

amended LR 40:499 (March 2014), LR 43:2481 (December 2017), LR 51:

Chapter 11. Qualified Schools

§1109. Testing of Scholarship Students

A. Using funds retained for administrative costs by the school tuition organization, schools enrolling participating students shall annually administer either any examination in ELA and mathematics required pursuant to the school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1028 (April 2013), amended LR 40:500 (March 2014), LR 51:

Title 28

EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§307. Diabetes Information, Management, and Treatment

NOTE: This Rule was developed in coordination with the Louisiana State Board of Nursing (LSBN). Any waivers, deletions, additions, amendments, or alterations to this policy shall be approved by both BESE and LSBN.

A. - I.6. ...

J. Distribution of Type I Diabetes Information. The LDOE shall provide informational materials developed by LDH to each LEA. Each LEA shall distribute the information to parents and legal guardians of all pre-k, elementary, and secondary students upon enrollment and annually thereafter by posting the information on the school website or by electronic distribution. The information includes, but is not limited to:

1. a description of type 1 diabetes;
2. a description of the risk factors and warning signs associated with type 1 diabetes;
3. a description of the need for screening of all students for early detection of type 1 diabetes using a blood autoantibody test; and
4. a recommendation that a parent or guardian of a student displaying warning signs associated with type 1 diabetes or positive early detection screening results should immediately consult with the student's primary care provider to develop an appropriate treatment plan. The treatment plan may include consultation with and examination by a specialty care provider, including but not limited to a properly qualified endocrinologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.3, and R.S. 17:436.3.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Board of Nursing, LR 39:1033 (April 2013), amended LR 39:2194 (August 2013), LR 39:3069 (November 2013), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of Title 49 of the 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? Yes.
6. Is the family or 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 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? Yes.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Implementation of Education Acts of the
2025 Regular Legislative Session**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates LAC 28:CXIII in *Bulletin 119—Transportation*, LAC 28:CXXXIX in *Bulletin 126—Charter Schools*, LAC 28:CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28:CLVII in *Bulletin 135—Health and Safety* as a result of legislation enacted following the 2025 Regular Session.

Act 42, regarding transportation network companies, is permissive and not mandatory. To the extent a city, parish, or other local school system opts to contract with a transportation network company to transport students under the age of 18, an increase in local fund expenditures is anticipated. However, such an expense will vary by school system and be dependent on the specific contract entered into.

Act 129 makes technical changes concerning the assets of charter schools. As a result, local school boards that are replaced by BESE as the chartering authority of a conversion school may realize an increase in expenditures to replace any assets no longer available to them. Alternatively, they may realize savings as responsibility for maintenance and upkeep of any immovable facilities will not be the responsibility of the system, for the length of time BESE manages the charter. Any impacts are expected to be situational and dependent on a variety of factors, including: (1) whether the local school board needs to acquire replacements for any assets transferred; (2) the number of schools converted within a specific school board’s jurisdiction; and (3) the quantity and type of assets involved.

Act 413 transfers administration of the Charter School Start-Up Loan Fund from BESE to DOA, requiring the repeal of one section in *Bulletin 126—Charter Schools*. There is no impact to expenditures as a result of these changes.

Act 402 requires the Louisiana Department of Health (LDH) to develop and provide type 1 diabetes information materials to LDOE and further requires LDOE to provide this information to local school boards who are to annually distribute it, via a school website or through electronic distribution methods, to the parents and legal guardians of all prekindergarten, elementary, and secondary students. LDH has supplied the diabetes information, and LDOE will distribute it through electronic communication streams already in use.

Act 497 permits school systems to consider disciplinary actions other than zero tolerance for certain first offense findings. There is no anticipated impact to governmental expenditures as a result of this change.

Acts 282 and 403 make changes to Student Tuition Organization (STO) laws, authorizing university laboratory schools to participate in the student tuition organization tax credit programs and allowing students to stack an STO

scholarship and other publicly funded federal aid, up to the cost of tuition and mandatory fees or a given percentage of the MFP. LDOE will be required to provide additional calculations to support this provision, and this work will be accomplished using existing resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Changes regarding the hiring of transportation network companies to comply with Act 42 may increase the number of background checks performed, the Office of State Police (OSP) may realize an indeterminable, but not likely to be significant, increase in SGR. The proposed rule requires a transportation network employee transporting students under proposed legislation must complete a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in OSP pursuant to R.S. 15:587.1 and R.S. 17:15(A)(1)(c). OSP charges \$31 for state background checks and \$12 for federal background checks. OSP retains \$2 of the \$12 fee charged for the federal background checks and remits the remainder to the Federal Bureau of Investigation. Concerning Act 403, the rule change does not impact the value of or eligibility for the nonrefundable income tax credit that taxpayers receive for donations to STOs.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Act 403 and its accompanying rule change will allow families to receive additional tuition funding sources for use in the LA GATOR Scholarship Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Act 42 and its accompanying rule change may increase competition and employment as transportation network companies may be contracted to provide transportation services in certain situations.

Beth Scioneaux
Deputy Superintendent
2509#064

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Safe Learning Environments
(LAC 28:XLIII.301 and Chapter 5;
LAC 28:CXV.331 and 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 (BESE) proposes to amend LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act* and LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. Act 479 of the 2025 Regular Legislative Session implemented regulations that require revisions to BESE policy regarding the use of seclusion and restraint to provide for increased oversight and safety. The Act also establishes annual reporting criteria, mandates installation of cameras in certain special education classrooms, and requires that teachers receive instruction in crisis intervention strategies. Further revisions provide language alignment and clarification as well as technical edits.

**Title 28
EDUCATION**

**Part XLIII. Bulletin 1706—Regulations for
Implementation of the Children with Exceptionalities
Act**

**Chapter 3. Evaluations, Eligibility Determinations,
Individualized Education Programs, and
Educational Placements**

Subchapter A. Parental Consent

§301. Parental Consent

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

4. Within a reasonable amount of time, and not longer than 10 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2058 (October 2008), amended LR 36:1502 (July 2010), LR 50:1151 (August 2024), LR 51:

Chapter 5. Procedural Safeguards

Subchapter C. Seclusion and Physical Restraint

§540. Definitions as Used in this Subchapter

A. - A.8. Repealed.

Crisis Intervention—the implementation of an action plan for school personnel to use when a student exhibits disruptive behaviors that prevent the student from participating in classroom or daily activities. Information about a school’s use of crisis intervention, including the proper use of seclusion and physical restraint, shall be included in the school’s student handbook and made available to the parent and legal guardian of each student with an IEP or Behavioral Intervention Plan (BIP). Crisis intervention may include the following:

1. the use of positive behavioral supports and sensory rooms or other calming spaces intentionally designed to help comfort and stabilize a student in order that the student may return to the classroom or daily activities;

2. in extraordinary cases, the use of seclusion and physical restraint as a means to safely de-escalate a situation in which a student poses a risk of imminent harm to self or others.

Imminent Risk of Harm—an immediate and impending threat of a person causing substantial injury to self or others.

Mechanical Restraint—the application of any device or object used to limit a person’s movement, but does not include:

1. a protective or stabilizing device used in strict accordance with the manufacturer’s instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider; or

2. any device used by a duly licensed law enforcement officer in the execution of his official duties.

Physical Restraint—the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person’s body, but does not include:

1. consensual, solicited, or unintentional contact;
2. momentary blocking of a student's action if said action is likely to result in harm to the student or any other person;
3. a school employee holding a student for less than three consecutive minutes within any given hour for the protection of the student or others;
4. holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted; or
5. minimal physical contact for the purpose of safely escorting a student from one area to another; or
6. minimal physical contact for the purpose of assisting the student in completing a task or response.

Positive Behavioral Interventions and Support—a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate.

Seclusion—a procedure that isolates and confines a student in a designated separate room or area until the student is no longer an imminent risk of harm to self or others.

Seclusion Room—a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a safe, secure, and supervised setting and from which the student is involuntarily prevented from leaving, until the student is no longer at risk of imminent harm to self or others. A seclusion room shall:

1. be free of any object that poses a danger to the student placed in the room;
2. have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age; and
3. have heating, cooling, ventilation, and lighting systems and a ceiling height comparable to operating classrooms in the school.

School Employee—a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

School Health Designee—a school employee designated to assess the use of seclusion and physical restraint in the event that a school nurse is not present on a school campus at the time such measure is used.

Sensory Room—a room or space that is used for the monitored or timeout space. The appropriate use of sensory rooms shall not be considered seclusion, which shall only be used for the limited purpose of responding to a student posing an imminent risk of harm to self or others.

Written Guidelines and Procedures—the written guidelines and procedures adopted by a public school governing authority regarding appropriate responses to student behavior that may require immediate intervention.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1006 (April 2012), amended LR 42:2177 (December 2016), LR 51:

§541. Use of Seclusion

- A. Seclusion shall be used only:

1. for student behaviors that involve an imminent risk of harm to self or others;
2. as a last resort when de-escalation and other positive behavioral interventions and support attempts have failed and the student continues to pose an imminent risk of harm to self or others.

B. Seclusion shall not be used as a routine school safety, discipline, or intervention measure or to address behaviors such as general noncompliance, self-stimulation, ~~and~~ academic refusal, and other behaviors that, while disruptive to a classroom setting or other daily school activities, do not present an imminent risk of harm to self or others. School employees shall respond to such behaviors with less stringent and less restrictive techniques, such as those included in a school or student crisis intervention plan or a student's IEP or BIP.

C. A seclusion room shall be used only as a last resort and when less restrictive crisis intervention measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm to self or others.

D. A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while the student is in the seclusion room.

E. ...

F. - F.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1007 (April 2012), amended LR 51:

§542. Physical Restraint

A. - A.1. ...

2. to the degree necessary to stop dangerous behavior;
3. in a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others; and
4. by trained personnel, except in emergency situations in which there is not sufficient time to have trained personnel respond. Minimum training requirements shall be in accordance with §549 of this Subchapter.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1007 (April 2012), amended LR 51:

§543. Restrictions on the Use of Seclusion or Physical Restraint

A. ...

B. No school employee shall subject a student to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

C. No school employee shall seclude or physically restrain a student who is known to have any medical or psychological condition that precludes such action, as certified by a licensed pediatrician, neurologist, or mental health provider in a written statement provided to the school in which the student is enrolled.

D. A school employee shall continuously monitor a student who is secluded or physically restrained for the duration of such seclusion or restraint.

E. A school employee shall release a student from seclusion and physical restraint as soon as the reasons for justifying such action have subsided.

F. Each principal or such designee shall notify each parent or legal guardian of a student enrolled at the school with an IEP of the prohibition of the use of seclusion and physical restraint if the student has a condition as provided in this Section. Such notification shall be made annually and be incorporated into the student's IEP.

F.1. - O. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1007 (April 2012), repromulgated LR 38:1225 (May 2012), amended LR 38:1404 (June 2012), LR 39:3261 (December 2013), LR 42:2177 (December 2016), LR 51:

§545. Seclusion and Restraint Post-Incident Requirements

A. Upon a student's release from seclusion or physical restraint, the following shall occur:

1. A school employee who secluded or physically restrained the student shall notify the school principal, and the principal or designee shall electronically notify the director or supervisor of special education as soon as is practicable but no later than one hour following the release of the student, or the end of the same school day, whichever occurs first.

2. A school employee who secluded or physically restrained the student or a school administrator shall notify the student's parent or legal guardian via a phone call as soon as is practicable, but no later than the end of the same school day.

3. A school nurse or school health designee shall visit the student as soon as possible, but no later than the end of the same school day, to look for and document any signs of injury or distress.

4. A school employee shall immediately notify the school principal and the director or supervisor of special education any time a student is secluded or physically restrained.

5. A school principal or his designee and the director or supervisor of special education shall review video and audio footage, if available, to ensure policies and proper techniques were followed during the incident.

B. A school employee who secluded or physically restrained a student shall document and report the incident in accordance with the policies adopted by the public school governing authority. The employee shall submit such report to the school principal by the end of the next school day. The principal or designee shall submit the report to the parent by the end of the next school day following receipt of the report. At a minimum, the incident report shall include the following:

1. the name, age, grade, gender, race, and disability of the student secluded or restrained;
2. the date, time, location, and duration of the seclusion or physical restraint;
3. the name and title of each school employee involved or any witness;

4. a description of the events requiring the use of seclusion or physical restraint, including a description of the procedures and types of restraint used, any actions taken in an attempt to de-escalate the situation, and the student's behavior that suggest the student posed an imminent risk of harm to self or others.

5. a description of any student injuries, visible marks, or medical emergencies that occurred during or after the seclusion or physical restraint;

6. a description of the actions taken immediately following the student's release from seclusion or physical restraint, including actions to notify the student's parent or legal guardian; and

7. a description of the student's actions immediately following the student's release from seclusion or restraint.

C. If a student is involved in three incidents in a school year involving the use of seclusion or physical restraint as a result of posing an imminent risk of harm to self or others, the special education teacher shall send prior written notice of the intention to call an IEP team meeting to the student's parent or legal guardian. At such meeting, the IEP team shall review and revise the student's BIP, including any crisis intervention plans, to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates, requiring repeated use of seclusion or physical restraint, the director or supervisor of special education or designee shall review the student's plans at least once every three weeks.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§547. Policy and Reporting Requirements

A. Each public school governing authority shall adopt written guidelines and procedures regarding the following:

1. proper use of crisis intervention plans, including the use of positive behavioral interventions and support, sensory rooms, seclusion, and physical restraint, and how these strategies differ;

2. all seclusion and physical restraint safety, reporting, and notification requirements, including any follow-up procedures;

3. an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint; and

4. an explanation of how school employees may utilize and be trained in a crisis intervention training program.

B. LEA guidelines and procedures shall be annually provided to all school employees, all parents and legal guardians of students with an exceptionality, and the LDOE by May 31, 2026, and prior to the start of each school year thereafter.

C. The guidelines and procedures shall also be annually submitted to the local special education advisory council, prior to the beginning of each school year.

D. At the beginning of each school year, each public school governing authority shall post on its website the guidelines and procedures adopted in accordance with this Subsection.

E. The LDOE shall maintain on its website, and annually distribute to public school governing authorities, updated guidance for recommended best practices relative to the use

of seclusion and physical restraint for students with exceptionalities.

F. The LDOE shall provide guidance to public school systems for establishing local guidelines and procedures. LEAs shall follow the incidents of seclusion and physical restraint reporting requirements in accordance with this Subsection, including specific data elements to be included in such reporting.

G. Each public school governing authority shall report all instances where seclusion or physical restraint is used to address student behavior to the LDOE.

H. The LDOE shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school, student age, race, ethnicity, gender, and disability, where applicable, and any involved school employee(s).

1. Based upon the data collected, the LDOE shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities. The report shall include the following:

a. the number of incidents of physical restraint disaggregated by school system, student age, race, ethnicity, gender, and student disability classification;

b. the number of incidents of seclusion disaggregated by school system, student age, race, ethnicity, gender, and student disability classification; and

c. a list of the school systems and charter schools that have complied with the reporting requirements in accordance with this Subsection.

2. The annual report shall be posted on the LDOE website and submitted to the House and Senate Committees on Education and the Special Education Advisory Panel.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

§549. Training Requirements

A. Crisis intervention training programs used by LEAs shall include, at a minimum, the following:

1. Teach evidence-based techniques that are shown to be effective in the prevention and safe use of seclusion and physical restraint.

2. Provide evidence-based, competency-based skills training relating to positive support, conflict prevention, de-escalation, and crisis response techniques including but not limited to:

a. guidelines on understanding when there is an imminent danger of serious physical harm to a student or others and when to intervene in such a scenario;

b. an emphasis on safety and respect for the right and dignity of each person involved in an incident that involves the use of seclusion or physical restraint on a student;

c. an emphasis on using the least restrictive form of intervention and taking incremental steps in an intervention;

d. alternatives to the use of seclusion and restraint;

e. strategies for the safe implementation of restrictive interventions;

f. the use of emergency safety interventions that include continuous assessment and monitoring of the physical well-being of a student and the safe use of seclusion and physical restraint throughout the duration of a restrictive intervention;

g. prohibited actions relative to seclusion and physical restraint;

h. debriefing strategies and the importance and purpose of debriefing;

i. best practices for documentation of instances of the use of seclusion and physical restraint on a student;

j. measurable learning objectives for participants in the training;

k. an overview of seclusion rooms, sensory rooms, the differences between each, and authorizations and prohibitions relative to the use of such rooms in accordance with LEA guidelines and procedures and this Subsection.

3. Educators not trained to implement seclusion and restraint may receive professional learning in effective strategies for behavior management of students with disabilities and crisis intervention procedures.

B. The school principal shall designate such employees that are required to complete a training program when the local policy includes implementation procedures for seclusion and restraint.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§331. Special Education Programs

A. - E.3. ...

4. The superintendent or administrative head of a charter school shall provide an annual report to the SEAC which shall include but not be limited to the following information regarding the school system or school:

a. ...

b. subgroup academic data on students receiving special education and related services;

c. compliance violations relative to special education requirements; and

d. the number of designated seclusion rooms as defined by R.S. 416.21.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.21 and R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 51:62 (January 2025), LR 51:

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

A. Each public school governing authority shall install a camera in each classroom as defined in R.S. 17:1948. 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 within sixty days of the receipt of funding for the installation of cameras.

2. Each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education.

3. ...

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. "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. - C.6. ...

7. - 8. Repealed.

9. ...

10. periodic verification that the camera is in operation, including that should the camera be out of operation for more than two consecutive school days, the school shall provide notice to parents of students in the affected classroom via normal school communication channels.

D. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.21 and R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:34 (January 2023), amended LR 51:63 (January 2025), LR 51:

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 the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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 the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Safe Learning Environments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in implementation costs; however, as detailed below, these costs have existing funding sources. The proposed rule change updates LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*. Act 479 of the 2025 Regular Legislative Session implements regulations that require revisions regarding the use of seclusion and restraint of students and provides for increased oversight and safety. The Act also revises reporting requirements and laws concerning the installation of cameras in certain special education classrooms.

Legislation authorizes LDOE to create or approve a crisis intervention training program that can be completed by educators. The training program will be funded using existing

Individuals with Disabilities Education Act (IDEA) set-aside funds. IDEA provides grants to assist states in meeting the excess costs of providing special education and related services to children with disabilities. These funds are reserved for a variety of specified activities such as support and direct services, technical assistance and personnel preparation, monitoring and mediation, and improving the use of technology in the classroom. Higher education institutions can incorporate this training into an existing course or courses to meet requirements concerning mandatory instruction in teacher education programs. This is expected to mitigate any increase in expenditures higher education institutions may have realized if they were required to develop or approve their own training program.

Public universities with teacher preparation programs may realize a nominal increase in workload to incorporate crisis intervention instruction into an existing course of study. Costs associated with adding an instruction requirement to existing courses are not anticipated to be significant, and due to requirements concerning training program development being borne by LDOE, an increase in expenditures for postsecondary education institutions is not anticipated as a result of the proposed rule change. Additionally, local school systems will have this training program available to them for training teachers and administrators who work with special education students. Depending on the training guidelines determined by BESE, local school system employees who work with special education students may realize an increase in training time as a result of proposed legislation. LDOE reports this training can be incorporated into existing teacher training requirements.

Changes to requirements concerning the placement of cameras in special education classrooms are not expected to increase expenditures as the legislature appropriated \$8 M in one-time funding to LDOE in FY 23 for implementation of Act 546 of the 2021 Regular Session which required cameras to be placed in special education classrooms when requested by a parent or legal guardian. At that time, the cost for installation of cameras in all special education classrooms statewide was estimated to total \$8 M (\$5,000 per classroom for 1,600 special education classrooms). Much of this funding is still available, as systems previously were not required to install a camera until a parent of a student in an impacted classroom requested one. An additional \$800,000 has been requested and granted in the LDOE budget each year since FY 23 for maintenance of the cameras. Local school systems have already been appropriated the funding necessary to implement this requirement.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2509#068

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

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

Scholarship/Grant Programs
2025 Legislation: Geaux Teach Program
(LAC 28:IV.2401)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements the provisions of Act 59 of the 2025 Regular Session of the Louisiana Legislature with respect to the Geaux Teach Program. (SG26222NI)

**Title 28
EDUCATION**

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

Chapter 24. Geaux Teach Program

§2401. General Provisions

- A. - F. ...
- G. Award Amount

1.a. The award amount shall be applied only to tuition, fees, textbooks, and instructional materials required for enrollment. Through the 2024-2025 academic year, Geaux Teach Program scholarships shall be awarded after all state and institutional financial aid are applied.

b. The award amount shall be applied only to tuition, fees, textbooks, and instructional materials required for enrollment. Beginning in the 2025-2026 academic year, Geaux Teach Program scholarships shall be awarded before all other state or institutional financial aid.

2. The maximum annual award amount shall be \$5,000.

3. Each postsecondary institution/provider shall determine the award amounts for eligible students attending teacher certification programs at that institution/provider based on the requirements in these rules, the allocation to the institution/provider, the institution's/provider's financial aid packaging policy for this program, and the guidance established by the board and published by LOSFA.

- H. - K.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:55 (January 2023), amended LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG26222) until 4:30 p.m., October 10, 2025, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Scholarship/Grant Programs
2025 Legislation: Geaux Teach Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change implements the provisions of Act 59 of the 2024 Regular Legislative Session which changed the Geaux Teach Program to a first-dollar scholarship award. The change will result in an increase in state expenditures out of the statutorily dedicated Geaux Teach Fund as qualified students will be able to maximize more of their annual scholarship award value.

There are no anticipated implementation costs or savings to local governmental units as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Students that qualify for a Geaux Teach Program scholarship beginning in the 2025-26 academic year will benefit from the proposed rule change. These recipients will now be able to receive the full benefit of the award value up to \$5,000 annually before the application of other scholarships and financial aid. There is no anticipated effect on small businesses and non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule could increase employment in the education sector to the extent the increased value of the Geaux Teach Program award results in an increase in the number of teaching professionals entering the workforce.

Robyn Lively
Senior Attorney
2509#016

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Scholarship/Grant Programs
2025 Legislation: M.J. Foster Promise Program
(LAC 28:IV.2215)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements Act 152 of the 2025 Regular Session of the Louisiana Legislature with respect to the M.J. Foster Promise Program (SG26223NI)

TITLE 28

EDUCATION

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

Chapter 22. M.J. Foster Promise Program

**§2215. Responsibilities of the Louisiana Workforce
Commission**

A. Advisory Council

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

a. identify not more than five industry sectors and that lead to high demand, high wage jobs that are aligned to state workforce priorities;

b. review postsecondary education requirements of each job identified;

c. identify programs of study at the associate level and below that lead to the identified jobs in each industry sector;

d. convene the Advisory Council at least once each year for program updates;

e. review the state’s return on investment in awards made at least once every three years.

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

a. a review of the most current statewide and regional industry and occupational forecasts approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council;

b. a review of nationally recognized databases for industry and occupational projections; and

c. input from the regional development organizations in each region.

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

4. The advisory council shall identify and compile a list of all federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to complete their postsecondary education, provide a copy to the Louisiana Board of Regents and to the Louisiana Office of Student Financial Assistance, which shall post such listing on its website.

5. In addition to selecting qualified programs of study for the M.J. Foster Promise Program, the Advisory Council shall identify eligible programs of study for TOPS Tech and TOPS Tech Early Start. The Council shall consider the qualified programs of study for the M.J. Foster Promise Program when identifying eligible programs for TOPS Tech and TOPS Tech Early Start, but the programs of study for the three scholarship programs are not required to be identical.

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 51:67 (January 2025), amended LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement:

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG26223) until 4:30 p.m., on October 10, 2025, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Scholarship/Grant Programs 2025 Legislation: M.J. Foster Promise Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units resulting from the proposed rule change. The change adds the responsibility to the M.J. Foster Promise Program Advisory Council to identify eligible programs of study in which a student may enroll to qualify for a TOPS Tech and TOPS Tech Early Start award.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated changes in revenues from the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups resulting from the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to impact competition and employment.

Robyn Lively
Senior Attorney
2509#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs—2025 Legislation: TOPS
(LAC 28:IV.Chapters 3-24)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements Acts 152, 347, 268, and 359 of the 2025 Regular Session of the Louisiana Legislature with respect to TOPS program and adds core equivalents. (SG26224NI)

Title 28
EDUCATION

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

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term “the board” refers to the Louisiana Board of Regents.

* * *

Award Amount—

a. through the 2015-2016 academic year (college), an amount equal to tuition at the school attended, for those students attending a Louisiana public college or university, as determined by the board, which may be used by the student to pay any educational expense included in that student’s “cost of attendance.” The amount paid for TOPS and TOPS-Tech Awards shall be as follows:

i. for students with the TOPS Opportunity, Performance, and Honors Award attending a Louisiana public college or university and enrolled in an academic degree program, the amount shall equal the actual cost of tuition;

ii. for students with the TOPS Opportunity, Performance, and Honors Award attending an institutionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or an out-of-state college or university if all of the conditions of §703.I are met and enrolled in an academic degree program, the amount shall equal the weighted average award amount;

iii. for students with the TOPS Opportunity, Performance, and Honors Award attending a Louisiana public college or university and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the actual cost of tuition;

iv. for students with the TOPS Opportunity, Performance, and Honors Award attending an institutionally accredited independent college or university in Louisiana that is a member of the Louisiana Association of Independent Colleges and Universities or who attend an eligible cosmetology or proprietary school and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the average award amount (TOPS-Tech);

v. for students with the TOPS-Tech Award attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level or higher and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the actual cost of tuition;

vi. for students with a TOPS-Tech Award attending an eligible college or university that offers an academic undergraduate degree at the baccalaureate level or higher and enrolled in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree, the amount shall equal the average award amount (TOPS-Tech);

vii. for students with the TOPS Opportunity, Performance, and Honors Award enrolled in a Louisiana professional school, the amount shall be equal to the tuition charged or the tuition charged a student pursuing a baccalaureate degree at the highest cost public school, whichever is less or the weighted average award amount, depending upon whether the Louisiana professional school is a public or private school;

viii. for students with the TOPS Opportunity, Performance and Honors Award enrolled in a Louisiana graduate degree program, the amount shall be equal to the tuition or the tuition charged for a student while pursuing a baccalaureate degree at the highest cost public school in the state, whichever is less;

b. beginning with the 2016-2017 academic year (college), the award amount determined by the board in accordance with Subparagraph a.i-viii above during the 2016-2017 academic year (college), plus any increase in the award amount specifically authorized by the Louisiana Legislature.

c. beginning with graduates of the 2024-2025 academic year (high school) who enter college in the 2025-2026 academic year and later, the TOPS Excellence Award amount shall be:

i. at a public college or university, the actual tuition and fees charged by the public college or university as reported to the Board of Regents in the annual mandatory tuition and fee survey, or twelve thousand dollars, whichever is less;

ii. at an independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities, the actual tuition and fees charged by the independent college or university or eight thousand five hundred dollars, whichever is less.

* * *

First-Time Student—

a. for students graduating through the 2015-2016 academic year (high school), a student who is awarded TOPS-Tech and enrolls for the first time, full-time in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation, and is enrolled full-time at the end of the fourteenth class day or later (ninth class day or later for quarter schools). The fact that a student who is eligible for a TOPS-Tech Award enrolls in an academic program at a post-secondary school prior or subsequent to graduation from high school, but prior to the required date for full-time enrollment in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree, shall not preclude the student from being a first-time student;

b. for students graduating in the 2016-2017 academic year (high school) through the 2023-2024 academic year (high school), a student who is eligible for a TOPS-Tech Award and enrolls for the first time, full-time in an eligible college or university in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the board and the Louisiana Workforce Investment Council and is enrolled full-time at the end of the fourteenth class day or later (ninth class day or later for quarter schools).

c. for students graduating in the 2024-2025 academic year (high school) or later, a student who is eligible for a TOPS-Tech Award and enrolls for the first time as a full-time student in an eligible college or university in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the M.J. Foster Promise Advisory Council and is enrolled full-time at the end of the fourteenth class day or later (ninth class day or later for quarter schools).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1880 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:486 (March 2018), LR 45:1172 (September 2019), LR 48:479 (March 2022), LR 50:185 (February 2024), LR 51:63 (January 2025).’ LR 51:

Chapter 5. Applications, Federal Grant Aid and ACT Test §501 Initial Application

A. - B.4. ...

5. Repealed.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), LR 24:1900 (October 1998), amended LR 26:1994 (September 2000), repromulgated LR 27:1846 (November 2001), amended LR 29:554 (April 2003), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:1060 (May 2005), LR 41:659 (April 2015), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:494 (March 2018), amended LR 51:

§502. Consent Required to Process Applications and Deadlines

A. - C.4. ...

D. Submission of one of the following constitutes consent for LOSFA to collect, maintain, and use the PII included in the submission for the purposes of determining eligibility for financial aid:

1. free application for federal student aid (FAFSA) naming LOSFA as a recipient;
2. ACT score naming LOSFA as a recipient;
3. ACT WorkKeys score naming LOSFA as a recipient;
4. SAT score naming LOSFA as a recipient;
5. Classic Learning Test (CLT) score naming LOSFA as a recipient for 2024-2025 high school graduates and later;
6. TOPS on-line application.

E. The required information for consideration for initial eligibility for a TOPS Award, includes, but is not limited to, all the following student information:

1. full name;
2. date of birth;
3. Social Security number;
4. student high school transcript data, including but not limited to:
 - a. month and year of high school graduation;
 - b. the course code for each course completed;
 - c. the grade for each course completed;
 - d. the term and year each course is completed;
 - e. designation of each advanced placement, International Baccalaureate, honors, gifted and talented, articulated course for college credit, and dual enrollment course;
 - f. the grading scale for each course reported; and
 - g. the high school attended for each course reported;
5. ACT, ACT WorkKeys, SAT scores, and/or for 2024-2025 high school graduates and later, CLT scores;
6. FAFSA data;
7. college transcript data as set forth in §1903.

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 41:650 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:495 (March 2018), LR 51:

§505. Application Deadlines for High School Graduates and Home Study Completers of 2004 and Later and Eligible Non-Graduates

A.1. - A.2. ...

3. Repealed.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), repromulgated LR 27:1847 (November 2001), amended LR 30:2017 (September 2004), LR 31:37 (January 2005), LR 32:2238 (December 2006), LR 33:83 (January 2007), LR 33:2357 (November 2007), LR 34:235 (February 2008), LR 37:588 (February 2011), LR 41:660 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:497 (March 2018), amended LR 51:

§509. ACT Testing Deadline

A.1. - A.5.c.iii. ...

B.1. The student may substitute an equivalent score, as determined by the comparison tables used by the board, on an equivalent SAT taken on or before the official April test date in the academic year (high school) in which the student graduates. In order to substitute a SAT score, the student must direct the college board to send the score to LOSFA so that

the score is electronically reported to LOSFA by the college board within 45 days of the final test date allowed by §509. SAT scores received in any other manner shall not be considered.

2. An eligible non-graduate may substitute an equivalent score, as determined by the comparison tables used by the board, on an equivalent SAT taken before the first day of the semester the student first enrolls in an eligible college or university. In order to substitute an SAT score, the student must direct the college board to send the score to LOSFA so that the score is electronically reported to LOSFA by the college board within 45 days of the final test date allowed by §509. SAT scores received in any other manner shall not be considered.

3. Beginning with high school graduates and home study completers of 2024-2025, a student may substitute an equivalent score on the Classic Learning Test (CLT), as determined by the comparison table developed by the Board of Regents, taken on or before the official April test date in the academic year (high school) in which the student graduates. In order to substitute a CLT score, the student must direct that the score be electronically reported to LOSFA by Classic Learning Test within 45 days of the final test date allowed by §509. CLT scores received in any other manner shall not be considered. All deadlines provided in this Chapter with respect to the ACT and the SAT shall apply to the CLT.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR 30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018), LR 47:38 (January 2021), LR 47:863 (July 2021), LR 48:481 (March 2022), LR 49:45 (January 2023), LR 51:

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

§701. General Provisions

A. Legislative Authority. Awards under the Louisiana Taylor Opportunity Program for Students (TOPS), the Opportunity, Performance, Honors, and Excellence Awards, are established as set forth in R.S. 17:5001 et seq., as amended.

B. Description, History and Purpose. The Taylor Opportunity Program for Students (TOPS) is a comprehensive, merit-based student aid program consisting of a series of components, with each component having its own eligibility criteria and titled award. The purpose of TOPS is to provide an incentive for Louisiana residents to academically prepare for and pursue post-secondary education in this state, resulting in an educated work force enabling Louisiana to prosper in the global market of the future. The major components of TOPS are the Opportunity Award, the Performance Award, the Honors Award, and the Excellence Award.

C. The Opportunity, Performance and Honors Awards, which will be funded for the 1998-99 academic year, combine former programs [Louisiana Tuition Assistance Plan (TAP) and the Louisiana Honors Scholarship Program] with a new component, the Honors Award, to produce a comprehensive program of state scholarships. Beginning with high school graduates of the 2024-2025 academic year (high school), the Excellence Award is established and funded.

D. The purposes of this program are to:

1. financially assist those students who are academically prepared to continue their education at a Louisiana post-secondary institution; and
2. encourage academic excellence; and
3. provide incentives for Louisiana high school graduates to pursue post-secondary education in this state.

E. Award Amounts. The specific award amounts for each component of TOPS are as follows:

1.a. The TOPS Opportunity Award provides an award amount as defined in §301 for full-time attendance at an eligible college or university for a period not to exceed eight semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:5002, or LAC 28:IV.503.D, 509.C, or 701.E.1.b. Attending a qualified summer session for which a TOPS Award is paid will count toward the eight semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA.

2.a. The TOPS Performance Award provides a \$400 annual stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS), in addition to an award amount as defined in §301 for full-time attendance at an eligible college or university, for a period not to exceed eight semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:5002, or LAC 28:IV.503.D, 509.C, or 701.E.2.b. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS Award be paid for that session, semester, quarter, term, or equivalent unit, the stipend will also be paid since payment of a TOPS Award for a summer session, quarter, term, or equivalent unit will count toward the eight semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA, provided that any amount of a stipend paid and not refunded shall be counted toward the total stipends allowed by law.

3.a. The TOPS Honors Award provides an \$800 annual stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS), in addition to an award amount as defined in §301 for full-time attendance at an eligible college or university, for a period not to exceed eight semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:5002, or LAC 28:IV.503.D, 509.C or 701.E.3.b. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS Award be paid for that session, semester, quarter, term, or equivalent unit, the stipend will also be paid since payment of a TOPS Award for a summer session, quarter, term, or equivalent unit will count toward the eight semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA, provided that any amount of a stipend paid and not refunded shall be counted toward the total stipends allowed by law.

4.a. Beginning with high school graduates of 2024-2025, the Excellence Award is established. At a public college or university, the Excellence Award shall be an amount reported in the Board of Regents mandatory tuition and fees survey equal to the annual resident tuition and fees charged by the college or university or \$12,000, whichever is less. At an independent college or university that is a member of LAICU, the Excellence Award shall be an amount as reported in the Board of Regents mandatory tuition and fees survey to equal the annual resident tuition and fees charged by the independent college or university or \$8,500, whichever is less. The award shall be paid for full-time attendance at an eligible college or university, for a period not to exceed eight semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:5002, or LAC 28:IV.503.D, 509.C, or 701.E.2.b. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS Award be paid for that session, semester, quarter, term, or equivalent unit, the payment for that summer session, quarter, term, or equivalent unit will count toward the eight semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA.

c. A student who attends an eligible college or university other than a Louisiana public college or university or an independent college or university that is a member of LAICU will receive the TOPS Honors Award amount, including the applicable stipend.

5.a. Through the 2009-2010 academic year (college), in lieu of the amount equal to tuition as provided by LAC 28:IV.701.E.1-3, students participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein, plus any applicable TOPS stipend and a sum of not more than \$150 per semester or \$300 annually for the actual cost of books and other instructional materials.

b. Beginning with the 2010-2011 academic year (College), in lieu of the amount equal to tuition as provided by LAC 28:IV.701.E.1-3, students with the TOPS Opportunity, Performance and Honors Award participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein, plus a sum of \$300 per semester or \$600 per academic year to be applied toward the cost of books and other instructional materials. In addition, those students with the Performance Award shall receive \$400 per semester or \$800 per academic year for other educational expenses; those students with the Honors Award shall receive \$800 per semester or \$1,600 per academic year for other educational expenses; and those students with the Excellence Award shall receive \$1000 per semester or \$2000 per academic year for other educational expenses. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS Award be paid for that session, semester, quarter, term, or equivalent unit in accordance with this Paragraph, the amounts stipulated herein will also be paid since payment of a TOPS Award for a summer session, quarter, term, or equivalent unit will count toward the eight-semester limit for TOPS.

6. Students attending an institutionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities (LAICU):

a. in an academic program receive an amount equal to the weighted average award amount, as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (college). The stipend will be paid for each qualified summer session, semester, quarter, or equivalent unit for which a TOPS Award is paid. Attending a qualified summer session for which a TOPS Award is paid will count toward the eight semester limit for TOPS;

b. in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree receive an amount equal to the average award amount (TOPS-Tech), as defined in §301, plus any applicable stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS). The stipend will be paid for each qualified summer session, semester, quarter, term or equivalent unit for which a TOPS Award is paid. Attending a qualified summer session for which a TOPS Award is paid will count toward the eight-semester limit for TOPS.

7. Recipients of TOPS Awards who are also beneficiaries of Student Tuition Assistance and Revenue Trust (START) Saving Program accounts, may apply the START disbursements to pay tuition, and any remaining tuition due may be paid by the TOPS Award. Any balance of the TOPS Award which remains after payment of the institution's

charges, shall be credited to the student's account and treated in accordance with institutional policies. In the event the student's total aid, including vocational rehabilitation awards, exceeds the cost of attendance, any federal loan aid included in the total aid package shall be reduced, then institutional and other aid in accordance with institutional practice, then the TOPS Award shall be reduced by the amount of any remaining over award.

8. Students funded under the Tuition Assistance Plan (TAP) or the Louisiana Honors Scholarship during the 1997-98 award year, who have maintained eligibility for the 1998-99 award, shall be continued as TOPS opportunity or performance recipients, respectively.

9. Students funded under the Tuition Assistance Plan (TAP) or the Louisiana Honors Scholarship Program during the 1997-98 award year, who lost eligibility due to their failure to maintain the required grade point average, shall be continued as TOPS Opportunity or Performance recipients, respectively, however, their eligibility for an award shall be suspended pending their satisfaction of the continuation requirements of §705.A.7 and 8. If a student satisfies the applicable requirements of §705.A.7 and 8 no later than the end of the 2000 spring semester, he/she shall be eligible for reinstatement of the award in accordance with §705.B, for the semester following the satisfaction of the requirements of §705.A.7 and 8.

10. Prior recipients of the Louisiana Honors Scholarship who attend a campus of the Louisiana Technical College may continue to attend that institution as a recipient of the TOPS Performance Award.

11. Award amounts shall be credited to a student's account with the institution and shall be used consistent with the institution's policy, and as directed by the student, to pay for those educational expenses included in the cost of attendance.

12. Students enrolled and attending more than one college or university at the same time shall be awarded as follows:

a. students attending two or more Louisiana public two- or four-year colleges or universities shall receive a total amount not to exceed the amount that would be charged to the student by the school with the highest award amount, as defined in §301, among those at which the student is simultaneously enrolled;

b. students attending two or more institutionally-accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the weighted average highest award amount paid at those schools at which the student is simultaneously enrolled, as defined in §301;

c. students attending a combination of Louisiana public two- or four-year colleges or universities and institutionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) in an academic program shall receive a total amount not to exceed the amount that would be paid at the public school with the highest award amount paid at those schools at which the student is simultaneously enrolled or the weighted average award amount for the enrolled LAICU school, whichever amount is greater.

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

F. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36:2854 (December 2010), LR 40:1002 (May 2014), LR 41:663 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1881 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:504 (March 2018), LR 48:483 (March 2022), LR 50:187 (February 2024), LR 51:

§703. Establishing Eligibility

A. To establish eligibility for a TOPS Opportunity, Performance, Honors, or Excellence Award, the student applicant must meet all of the following criteria:

A.1.a. - A.5.g.viii. ...

6. have achieved an ACT score, as defined in §301 of at least:

a. if qualifying under the terms of §703.A.5.a, b, or g:

i. the state's reported prior year ACT composite average, truncated to a whole number, but never less than 20 for the Opportunity Award; or

ii. a 23 for the Performance Award; or

iii. a 27 for the Honors Award; or

iv. a 31 for the Excellence Award; or

b. if qualifying under §703.A.5.c:

i. is a *Louisiana resident*, except as defined in Subparagraph h of the definition of *Louisiana resident* in §301:

(a). the state's reported prior year average truncated to a whole number plus 3 points, but never less than 23 for the Opportunity Award; or

(b). a 26 for the Performance Award; or

(c). a 30 for the Honors Award; or

(d). a 34 for the Excellence Award; and

ii. is a Louisiana resident as defined in Subparagraph h of the definition of *Louisiana resident* in §301:

(a). the state's reported prior year average truncated to a whole number plus 2 points, but never less than 22 for the Opportunity Award; or

(b). a 25 for the Performance Award; or

(c). a 29 for the Honors Award; and

c.i. completed the 12th grade level of an approved home study program during or before the academic year (high school) 2003-2004 and qualifying under §703.A.5.d;

(a). the state's reported prior year average truncated to a whole number plus 3 points, but never less than 23 for the Opportunity Award; or

(b). a 26 for the Performance Award; or

- (c). a 30 for the Honors Award; and
- ii. if completed the 12th grade level of an approved home study program during or after academic year (high school) 2004-2005 and through academic year (high school) 2006-2007 and qualifying under §703.A.5.d;
 - (a). the state's reported prior year average, truncated to a whole number plus 2 points, but never less than 22 for the Opportunity Award; or
 - (b). a 25 for the Performance Award; or
 - (c). a 29 for the Honors Award; and
- iii. if completed the 12th grade level of an approved home study program during or after the academic year (high school) 2007-2008 through the 2023-2024 academic year (high school), and qualifying under §703.A.5.d;
 - (a). the state's reported prior year average, truncated to a whole number, plus 2 points, but never less than 22 for the Opportunity Award; or
 - (b). a 24 for the Performance Award; or
 - (c). a 28 for the Honors Award; or
- iv. if completed the 12th grade level of an approved home study program during or after academic year (high school) 2024-2025 and thereafter and qualifying under §703.A.5.d;
 - (a). the state's reported prior year average, truncated to a whole number, but never less than 20 for the Opportunity Award; or
 - (b). a 23 for the Performance Award; or
 - (c). a 27 for the Honors Award; or
 - (d). a 31 for the Excellence Award; and
- d.i. if qualifying under §703.A.5.e by graduating from a high school defined in §1701.A.5; which is limited to the Opportunity Award only; the state's reported prior year average, truncated to a whole number, plus 3 points, but never less than 23;
 - ii. if qualifying under §703.A.5.e by successfully completing the 12th grade level in a home study program approved by BESE and conducted outside the United States and its territories during or before the academic year (high school) 2003-2004 or during or after the academic year (high school) 2008-2009; which is limited to the Opportunity Award only; the state's reported prior year average, truncated to a whole number, plus 3 points, but never less than 23;
 - iii. if qualifying under §703.A.5.e by successfully completing the 12th grade level in a home study program approved by BESE and conducted outside the United States and its territories during or after the academic year (high school) 2004-2005 and through the academic year (high school) 2023-2024; which is limited to the Opportunity Award only; the state's reported prior year average plus 2 points, rounded, but never less than 22;
 - iv. if qualifying under §703.A.5.e by successfully completing the 12th grade level in a home study program approved by BESE and conducted outside the United States and its territories during or after the academic year (high school) 2024-2025; which is limited to the Opportunity Award only, a 20;
 - e. if qualifying under §703.A.5.f; which is limited to the Performance Award only, a 24; and
- 7. not have a criminal conviction, except for misdemeanor traffic violations, and if the student has been in the United States Armed Forces and has separated from such

- service, has received an honorable discharge or general discharge under honorable conditions; and
- 8. ...
 - B. Students qualifying:
 - 1. under §703.A.5.a and b during or before academic year (high school) 2006-2007, must have attained a cumulative high school grade point average, based on a 4.00 maximum scale, of at least:
 - a. a 2.50 for the Opportunity Award; or
 - b. a 3.50 for the Performance or Honors Awards;
 - 2. under §703.A.5.a and b during or after academic year (high school) 2007-2008, must have attained a cumulative high school grade point average, based on a 4.00 maximum scale, of at least:
 - a. a 2.50 for the Opportunity Award; or
 - b. a 3.00 for the Performance or Honors Awards;
 - 3. under §703.A.5.a and b in academic year (high school) 2021-2022 through the 2023-2024 academic year (high school) must have attained a TOPS cumulative high school grade point average, based on a 4.00 maximum scale, of at least:
 - a. a 2.50 for the Opportunity Award; or
 - b. a 3.25 for the Performance Award; or
 - c. a 3.50 for the Honors Award;
 - 4. under §703.A.5.a and b in academic year (high school) 2024-2025 must have attained a TOPS cumulative high school grade point average, based on a 4.00 maximum scale, of at least:
 - a. a 2.50 for the Opportunity Award; or
 - b. a 3.25 for the Performance Award; or
 - c. a 3.50 for the Honors Award; or
 - d. a 3.50 for the Excellence Award;
 - 5. under §703.A.5.f and graduating in academic year (high school) 2000-2001 through 2005-2006, must have attained a TOPS cumulative high school grade point average, based on a 4.00 maximum scale, of at least a 3.00 for the Performance Award.
 - C. - M.2.b....
 - AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.
 - HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February

2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), amended LR 47:861 (July 2021), LR 47:864 (July 2021), amended LR 47:868 (July 2021), LR 48:484 (March 2022), LR 48:1761 (July 2022), LR 48:2732 (November 2022), LR 49:46 (January 2023), LR 50:187 (February 2024), LR 51:

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

A. - A.10. ...

11. Beginning with the graduates of academic year (high school) 2030-2031, at the time of high school graduation, an applicant must have successfully completed 20 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL; Computer Science
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II; Computer Science
Social Studies – 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History

Units	Course
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language – 2 Units Or Computer Science- 2 Units	
2	Foreign Language, two units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB. Or Computer Science, two units, which may include: AP Computer Science A;
Art – 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
1	Financial Literacy
Computer Science – 1 Unit	
The requirement shall be satisfied as a math elective, as a science elective, or as a foreign language.	

B. - B.6. ...

7. For students graduating in academic year (high school) 2028-2029 and after, for purposes of satisfying the requirements of §703.A.5.a above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

TOPS Core Course	Equivalent (Substitute) Course
Algebra I, Geometry, and Algebra II	Integrated Mathematics I, II, and III
Algebra III	Additional Math: Cambridge IGCSE

TOPS Core Course	Equivalent (Substitute) Course
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Arabic	Arabic: Cambridge AICE-AS
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design; Creative Writing
Biology II	Human Anatomy and Physiology; Microbiology
IB Biology II	Biology II, Cambridge AICE-AS
Calculus I	Math 2 (Part I): Cambridge AICE – A Level
Calculus II	Math 2 (Part 2): Cambridge AICE- A Level
Chemistry II	Organic Chemistry I
IB Chemistry II	Chemistry II: Cambridge AICE – AS
Chinese	Chinese: Cambridge AICE-AS
Computer Science	Computer Science Computer Coding as a Foreign Language I Computer Coding as a Foreign Language II
Economics	Cambridge AICE-AS
English I	English Language Part 1: Cambridge IGCSE English Literature Part 1: Cambridge IGCSE
English II	English Language Part 2: Cambridge IGCSE English Literature Part 2: Cambridge IGCSE
English III	English Language Part 1: Cambridge AICE-AS Literature in English Part 1: Cambridge AICE-AS
English IV	English Language Part 2: Cambridge AICE-AS Literature in English Part 2: Cambridge AICE-AS
Environmental Science	Environmental Awareness
European History	History European: Cambridge AICE-AS

TOPS Core Course	Equivalent (Substitute) Course
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV Indigenous Language I Indigenous Language II; Tagalog I, II, III, IV; Turkish I, II, III, IV; Urdu I, II, III, IV; West Germanic Languages (Dutch) I, II, III, IV
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Japanese	Japanese: Cambridge AICE-AS
Physical Science	Principles of Engineering PLTW Principles of Engineering
Physics I	Physics I: Cambridge IGCSE
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Math 1 (Pure Math): Cambridge AICE-AS
Probability and Statistics	Statistical Reasoning Math 1 (Probability and Statistics): Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology IB Psychology
World Geography	Physical Geography Geography: Cambridge AICE-AS
World History	History International: Cambridge AICE-AS
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student’s Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

C. - C.3.e. ...

* * *

4. For students graduating in academic year (high school) 2028-2029 and after:

a. Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
AP Computer Science A	AP Computer Science A
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Algebra III; Advanced Math-Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A AP Pre-Calculus
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History

TOPS Core Course	Advanced Placement
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

b. International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math-Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	IB Psychology

TOPS Core Course	International Baccalaureate
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

c. Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

d. Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama Introduction to African American Literature	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313 CENL2403
Environmental Science	Environmental Science	CEVS 1103

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	Introduction to Psychology	CPSY2013
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

e. Honors Courses

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

D.1 - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 50:188 (February 2024), amended LR 51:64 (January 2025), LR 51:

§705. Maintaining Eligibility

A. To continue receiving the TOPS Opportunity, Performance, Honors, or Excellence Awards, the recipient must meet all of the following criteria:

A.1. - A.8.d.iii. ...

e. a 3.00 for continuing receipt of either a Performance, Honors, or Excellence Award; or

f. the minimum grade necessary to maintain good standing, if enrolled in a graduate or professional program; or

g. meet the federal grant aid steady academic progress requirement at that school, if enrolled in an eligible cosmetology or proprietary school; and

B.1. Students failing to meet the requirements listed in §705.A.7 or §705.A.8.a, b, d, f, or g may have their TOPS Awards reinstated upon regaining “steady academic progress” (see §301) and/or attainment of the required TOPS cumulative grade point average, if the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

2. If the two-year period is interrupted due to a student's active duty in the United States Armed Forces, the two-year period will be extended for a length of time equal to the student's active duty service.

3.a. Students who fail to meet the requirements of §705.A.8.e, shall no longer be eligible for the stipend authorized for the Performance and Honors Awards, but shall be eligible to receive the award amount for the Opportunity Award if they meet the continuation requirements of §705.A.8.a, b, d, f, or g.

b. Students who fail to meet the requirements of §705.A.8.e, shall no longer be eligible for the Excellence Award, but shall be eligible to receive the award amount for the Opportunity Award if they meet the continuation requirements of §705.A.8.a, b, d, f, or g.

B.4.a. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1, and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:1390 (July 2008), LR 36:491 (March 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 40:1002 (May 2014), LR 41:664 (April 2015), LR 42:47 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:520 (March 2018), LR 47:40 (January 2021), LR 47:865 (July 2021), amended LR 47:869 (July 2021), LR 49:50 (January 2023), LR 51:

Chapter 8. TOPS-Tech Award

§801. General Provisions

A. Legislative Authority. The TOPS-Tech Award was created by Act of the 1998 First Extraordinary Session of the Louisiana Legislature.

B. Description, History and Purpose

1. For students graduating through the 2015-2016 academic year (high school), the TOPS-Tech Award is a merit-based scholarship program for Louisiana residents pursuing skill, occupational or technical training at eligible colleges and universities that offer a vocational or technical education certificate or diploma program or a non-academic undergraduate degree. The purpose of TOPS-Tech is to provide an incentive for qualified Louisiana residents to prepare for and pursue technical positions in Louisiana.

2. Beginning with students graduating in the 2016-2017 academic year (high school), the TOPS-Tech Award is a workforce scholarship program for Louisiana residents

who enroll in an eligible college or university on a full-time basis in an associate's degree or other shorter-term training and education program that is aligned to state workforce priorities as determined by the Louisiana Board of Regents (the board) and the Louisiana Workforce Investment Council.

3. Beginning with students graduating in the 2024-2025 academic year (high school), the TOPS-Tech Award is a workforce scholarship program for Louisiana residents who enroll in an eligible college or university on a full-time basis in an associate's degree or other shorter-term training and education program that is determined eligible by the M.J. Foster Promise Program Advisory Council.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 26:1997 (September 2000), repromulgated LR 27:1854 (November 2001), amended LR 36:2856 (December 2010), LR 41:666 (April 2015), LR 41:2596 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), LR 51:

§803. Establishing Eligibility

A. - A.4.d. ...

5. graduate from:

a. an eligible public or nonpublic high school or non-Louisiana high school as defined in §1701.A.1, 2 and 3; or

b. an out-of-state high school as defined in §1701.A.4; or

c. an out of country high school as defined in §1701.A.5; or

d.i. successfully complete at the 12th grade level a home study program approved by BESE; or

ii. if ever was enrolled in a Louisiana public or nonpublic school approved by BESE, successfully completed at least the 11th and 12th grade levels of a home study program approved by BESE; and

iii. if having previously attended an eligible high school as defined in §1701.A.1, 2, 3, 4, or 5, has provided the board with certification by the previously attended high school that said student was in good standing at the time the student last attended such school;

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

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

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

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

b. for students in graduating classes prior to 2004, core units may be waived upon sworn affidavit by the principal or headmaster or authorized designee that the course was not available to the student at the school attended;

c. for students in graduating classes prior to 2004, core units may be waived upon sworn affidavit by the principal or headmaster or authorized designee that the course was not available to the student at the school attended;

7. have achieved an *ACT score*, as defined in §301, of at least:

a. if qualifying under §803.A.5.a, an ACT composite score of at least 17 or beginning with the 2010-2011 academic year, or in the alternative, have attained a silver level score on the assessments of the ACT WorkKeys system; or

b.i. if qualifying under §803.A.5.b or c and is a Louisiana resident, except as defined in Subparagraph h of the definition of *Louisiana resident* in §301, an ACT composite of at least 20; or

ii. if qualifying under §803.A.5.b is a *Louisiana resident* as defined in Subparagraph h of the definition of *Louisiana resident* in §301, an ACT composite of at least 19; and

c. if qualifying under §803.A.5.d and successfully completing the 12th grade level a home study program approved by BESE during or before the academic year (high school) 2003-2004 or during or after the academic year (high school) 2008-2009, an ACT composite of at least 20; and

d.i. if qualifying under §803.A.5.d and successfully completing the 12th grade level a home study program approved by BESE during or after the academic year (high school) 2004-2005 or during the academic year (high school) 2007-2008, an ACT composite of at least 19; and

ii. if qualifying under §803.A.5.d and successfully completing the twelfth grade level in a home study program approved by BESE during or after the academic year (high school) 2024-2025, an ACT composite score of at least 17; and

A.8. - F.1.e. ...

2. For the purposes of this Subsection, *displaced student* means a student who on August 27, 2021, was actually residing in Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebonne Parish, and:

a. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

b. was enrolled in a home study program approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March

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

Chapter 10. TOPS-Tech Early Start Award

§1001. General Provisions

A. Legislative Authority. The TOPS-Tech Early Start Award was created by Act 348 of the 2005 Regular Session of the Louisiana Legislature and amended by Act 737 of the 2014 Regular Session of the Legislature.

B.1. Description, History and Purpose. The TOPS-Tech Early Start Award is established as part of the Taylor Opportunity Program for Students (TOPS) to provide grants for Louisiana residents taking a technical or applied course in pursuit of occupational or vocational training while being dually enrolled in a state public high school at the 11th and 12th grade levels and at a Louisiana public or nonpublic postsecondary institution or in an approved training program that offers an occupational or vocational education credential in a top demand occupation. The purpose of TOPS-Tech Early Start is to provide an incentive for qualified Louisiana public high school students to prepare for and pursue an industry-based occupational or vocational education credential in a top demand occupation while still in high school.

2. Beginning with the 2024-2025 academic year (college), a TOPS-Tech Early Start Award may be used to fund any qualified program as determined by the M.J. Foster Promise Program Advisory Council.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3109 (December 2005), amended LR 35:231 (February 2009), LR 41:374 (February 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:531 (March 2018), LR 51:

§1005. Establishing Eligibility

A. To establish eligibility for the TOPS-Tech Early Start Award, the student applicant must meet all of the following criteria:

1. be in the eleventh or twelfth grade in a Louisiana public high school; and

2. have prepared a five-year education and career plan, including a sequence of related courses with a career focus as provided by the high school career option subchapter in R.S. 17:183.2 et seq.; and

3. have a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale; and

4. meet one of the following criteria:

a. score at least 15 on the English subsection and 15 on the mathematics subsection of the ACT PLAN assessment or a successor assessment administered as part of Louisiana's educational planning and assessment system or the ACT or an equivalent concordant value of the SAT;

b. have attained a silver level score on the assessments of the ACT WorkKeys system; or

c. meet the eligibility requirements for technical dual enrollment courses as determined by the Louisiana Board of Regents.

5. enroll in a course in an industry-based occupational or vocational education credential program in a top demand occupation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005), amended LR 41:375 (February 2015), LR 41:2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:532 (March 2018), LR 51:

§1007. Maintaining Eligibility

A. To continue receiving the TOPS-Tech Early Start Award, the recipient must meet all of the following criteria:

1. be a student in good standing in a Louisiana public high school; and
2. maintain a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale; and
3. continue to enroll in eligible courses; and
4. be a student in good standing while enrolled in a Louisiana public or nonpublic postsecondary education institution or an approved training program; and
5. maintain steady academic progress as defined in §301.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005), amended LR 41:375 (February 2015), LR 41:2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:532 (March 2018), LR 51:

§1013. Responsibilities of Louisiana Public and Nonpublic Postsecondary Institutions and Approved Training Providers

A. Each Louisiana public and nonpublic postsecondary institution and each approved training provider that offers an industry based occupational or vocational education credential in a top demand occupation shall:

1. determine whether an eligible student has applied for enrollment in a course at that institution or provider to pursue an industry based occupational or vocational education credential in a top demand occupation in accordance with §1903.C.5;
2. determine whether the student has met the requirements to maintain an award as required by §1007.A.3-5;
3. submit bills to LOSFA in accordance with §1903.B for each eligible student so enrolled; and
4. comply with the reporting and records retention requirements of §1903.A and E.

B. Beginning with the 2026-2027 academic year, training providers will no longer be eligible to participate in the TOPS Tech Early Start Program unless such programs are approved by the M.J. Foster Promise Advisory Council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3111 (December 2005), amended LR 36:2030 (September 2010), LR 41:376 (February 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:532 (March 2018), LR 51:

§1015. Responsibilities of the Workforce Investment Council

A. The Workforce Investment Council shall define, maintain, and make available to LOSFA and to public and nonpublic postsecondary institutions and to Louisiana training providers a list of industry-based occupational or vocational education credentials.

B. Beginning with the 2025-2026 academic year (high school), the Workforce Investment Council’s responsibilities for the TOPS Tech Early Start Award are limited to its role on the M.J. Foster Promise Program Advisory Council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3111 (December 2005), amended LR 36:2030 (September 2010), LR 41:376 (February 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:533 (March 2018), LR 51:

§1017. Responsibilities of the State Board of Elementary and Secondary Education (BESE)

A. BESE shall determine which training providers are approved to provide courses each academic year for the TOPS-Tech Early Start Award in accordance with R.S. 17:5081.

B. BESE shall notify LOSFA of the names and addresses for the approved training providers no later than March 1 for the fall of that year.

C. Beginning with the 2025-2026 academic year (high school), the Board of Elementary and Secondary Education has no responsibility with respect to eligible training providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5081.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 41:376 (February 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:533 (March 2018), LR 51:

Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions

§1903. Responsibilities of Post-Secondary Institutions

A. - B.10. ...

11.a. upon the school's certification that a student who is eligible for a TOPS-Tech Early Start Award is enrolled in an industry-based occupational or vocational education credential program in a top demand occupation, institutions shall bill for and the board will pay the institution for each such recipient according to the following schedule;

Credit Hours	Payment
1	\$50
2	\$100
3	\$150
4	\$200
5	\$250
6	\$300

b. beginning with the 2025-2026 academic year (high school), upon the school’s certification that a student who is eligible for a TOPS-Tech Early Start Award is enrolled in an eligible program of study, institutions shall bill and the board will pay the institution for each such recipient according to the following schedule;

Credit Hours	Payment
1	\$50
2	\$100
3	\$150
4	\$200
5	\$250
6	\$300

c. the maximum that may be billed is \$300 per semester and \$600 per academic year (TOPS);

d. institutions may not bill for summer semesters or sessions;

B.12.a.-F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3041.10-3041.15, 17:3041.21-3041.26, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111, 3114 (December 2005), LR 33:1340 (July 2007), LR 35:1233 (July 2009), LR 35:1490 (August 2009), LR 35:1491 (August 2009), LR 36:2857 (December 2010), LR 40:282 (February 2014), LR 40:1003 (May 2014), LR 41:667 (April 2015), LR 41:2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:519 (March 2017), LR 44:557 (March 2018), LR 45:1173 (September 2019), LR 48:487 (March 2022), LR 51:

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. Initial Enrollment Requirement. Initially apply and enroll as a first-time freshman as defined in §301, unless granted an exception for cause by the Louisiana Board of Regents (the board), in an eligible college or university defined in §301. Initial enrollment requirements specific to TOPS are defined at §703.A.4, for TOPS-Tech at §803.A and for Louisiana GO-Youth Challenge Program at §1505.

B. Continuous Enrollment Requirement. To maintain eligibility, all scholarship programs, with the exception of the M.J. Foster Promise Program, require recipients to continue to enroll as full-time students, as defined in §301, each consecutive semester or quarter, excluding summer sessions and intersession, at two-year and four-year colleges and universities. Recipients who cannot meet this requirement may be granted an exception for cause, as determined by the board. M.J. Foster Promise Program recipients may enroll and receive their award for less than full time enrollment, and must continue to enroll, whether part-time or full-time, in all semesters/terms of the academic year.

C. - I.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:862 (July 2021), LR 47:867 (July 2021), amended LR 47:871 (July 2021), LR 48:2731 (November 2022), LR 49:54 (January 2023), LR 49:1211 (July 2023), LR 51:530 (April 2025), LR 51:531 (April 2025), LR 51:

§2107. Funding and Fees

A. Limitation of Terms Funded. Routine funding for all scholarship and grant programs is limited to the fall, winter and spring school terms.

B. Less than Full-Time Attendance. The board will authorize awards under the TOPS Opportunity, Performance, Honors, and Excellence Awards for less than full-time enrollment provided that the student meets all other eligibility criteria and the requirements of §2103.C.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:649 (April 1998), amended LR 24:1919 (October 1998), LR 26:1998 (September 2000), repromulgated LR 27:1869 (November 2001), amended LR 28:449 (March 2002), LR 28:777 (April 2002), LR 28:2333 (November 2002), LR 31:40 (January 2005), LR 38:3162 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1883 (November 2016), LR 44:568 (March 2018), LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG22202NI) until 4:30 p.m., October 10, 2025, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Scholarship/Grant Programs
2025 Legislation: TOPS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Proposed rule change is anticipated to increase SGF expenditures at the Board of Regents by \$3,184,276 in FY 26 and annualized in future fiscal years associated with additional TOPS awards (\$3,147,964) and one-time expenses associated with programming changes to computer systems (\$33,000) and administrative costs (\$3,312). The annualized cost associated with additional TOPS awards in FY 27 and FY 28 are estimated to be \$6,123,744 and \$9,099,524 respectively.

The proposed change aligns rules with the provisions contained in Acts 152, 268, 347, and 359 of the 2025 Regular Session of the Louisiana Legislature with respect to various aspects of the Taylor Opportunity Program for Students (TOPS). The proposed rule change is anticipated to annually increase state expenditures directly related to additional students meeting the requirements for an award through the revised alternative eligibility requirements that were lowered in Act 359 and the creation of the new highest-tier TOPS Excellence award level through Act 347.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no anticipated impacts to revenues of state and local governmental units from the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Students who qualify for the TOPS Excellence award will benefit from the increased value of the award compared to the TOPS Honors award which they would have previously earned. Home schooled students seeking TOPS eligibility through the alternative requirements could benefit should they now qualify for an award or a higher tier award based on the change lowering their required standardized test score.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no anticipated impact on competition and employment resulting from the proposed rule change.

Robyn Lively
Senior Attorney
2509#018

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Energy and Natural Resources
Office of Conservation**

Damage Prevention
(LAC 43:XI.Chapters 59-65)

The Department Energy and Natural Resources, Office of Conservation proposes to amend LAC 43:XI in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed Rule changes are to align current law with *Louisiana Administrative Code*.

Title 43

NATURAL RESOURCES

Part XI. Office of Conservation—Pipeline Division

Subpart 6. Damage Prevention

Chapter 59. General

§5903. Definitions

(Formerly §2703)

A. ...

Excavation or *Excavate*—any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged pipelines by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. Excavation or excavate shall not include manual probing, normal commercial farming operations, or any activity resulting from force majeure, related occurrences, including but not limited to an act of God, or act of nature.

Large Project Excavation or Demolition—excavation or demolition activity that cannot reasonably be completed within 20 days for routine demolition or excavation or within thirty calendar days for agricultural, forestry, or marine excavation or demolition activity.

Marine Excavator—an excavator or demolisher who is performing excavation or demolition in areas such as swamps, wetlands, shallow water, waterways, rivers, bayous, bays, lakes, the sea, and arms of the sea.

Mark-By Time—the date and time provided by the regional notification center by which the pipeline operator is required to mark the location or provide information to enable an excavator or demolisher, using reasonable and prudent means, to determine the specific location of the pipeline as provided for in §6301. The mark by time may be extended if mutually agreed upon and documented between the excavator and operator.

Routine Excavation or Demolition—excavation or demolition activity that requires no more than 20 calendar days to be completed, and no more than thirty calendar days for agricultural, forestry, or marine excavation or demolition activity.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:955 (July 2020), repromulgated LR 49:327 (February 2023), amended LR 49:908 (May 2023), LR 51:

Chapter 61. Notifications

**§6101. Excavation and Demolition; Prohibitions
(Formerly §2705)**

A. Except as provided in this Section, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground pipeline, or on the premises of a customer served by an underground pipeline without having first

ascertained, in the manner prescribed in Subsection B of this Section, the specific location as provided in §6301 of all underground pipelines in the area which would be affected by the proposed excavation or demolition. The marking of an operator's facility or utility shall be provided for excavation or demolition purposes only.

B. Except as provided in §6103, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place and shall include the specific location where the excavation or demolition is to be performed. Such notice shall be given to the notification center at least 48 hours, but not more than 120 hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. If an excavation or demolition does not commence within 120 hours of the mark-by time, not counting weekends and holidays, the excavator or demolisher shall be found in violation of this Section, except in the case of mutual agreement with the pipeline owner or operator to extend the time or extraordinary circumstances. Extraordinary circumstances are circumstances which make it impractical or impossible for the excavator or demolisher to comply with the provisions of this Part due to weather-related events, equipment malfunction or failure, or unavailability of vital supplies and equipment. Holidays shall consist of the following: New Year's Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day.

1. This notice shall contain the name, address, and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and description of the specific type of excavation or demolition operation to be conducted, the specific location of the proposed excavation or demolition and a statement as to whether directional boring or explosives are to be used. The notice shall be confined to the actual area of proposed excavation or demolition that will occur during the 20 day time period under 6301.

2. The excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to ~~or~~ physically mark the proposed route or area of excavation or demolition using white paint, flags, stakes, or similar means under American Public Works Association guidelines prior to submitting notice.

3. - 4. ...

5. At least one person on any underground or submerged excavation or demolition site shall have proof of completion of the training and education provided by the Regional Notification Center. Training is required on an annual basis through the Regional Notification Center. Excavators or demolishers certified by an operator qualification program subject to Title 49, CFR Part 192 or Part 195 shall be exempt from this requirement.

C. - D. ...

E. The purpose of this Subsection is to allow for voluntary agreements in writing between operators and excavators/demolishers in conflict to determine the mark-by time, as well as the duration of excavation and demolition projects that cannot be reasonably completed within the time frame required for routine excavation or demolition.

1. Unless hereinafter specifically excepted, all other provisions of this Subsection shall apply to large project excavations or demolitions.

2. Upon an excavator or demolisher contacting the regional notification center to provide notice of excavation or demolition, the excavator or demolisher may request that the excavation or demolition be recognized as a large project excavation or demolition. At which time, the regional notification center shall notify all affected underground utility and facility operators that a large project excavation or demolition request has been submitted.

3. A large project excavation or demolition request shall only be submitted electronically to the regional notification center at least ten business days prior to the commencement of the excavation or demolition.

4. The submission of a large project excavation or demolition request shall also include the names and contact information of any and all subcontractors of the excavator or demolisher who will be working on the project.

5. Upon receipt of the large project excavation or demolition notification request, operators of underground utilities or facilities and the requesting excavator or demolisher may attempt to reach a mutual agreement in writing to determine the scope of work, the mark-by times, and any other details of the project that the operator and excavator or demolisher mutually agree need to be included in the written agreement such as the marking schedule and additional parties to be included in the notification request. In no event shall an agreement be entered into pursuant to this Subsection for a duration of more than ninety calendar days.

6. If mutual agreement between all parties in conflict in an area cannot be reached within thirty calendar days from the date submitted to the Regional Notification Center, the large project excavation or demolition notification request shall be deemed null and void, and the requesting excavator or demolisher shall cancel the large project excavation or demolition notice and request a routine excavation or demolition notice in accordance with this Section.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:955 (July 2020), repromulgated LR 49:327 (February 2023), amended LR 49:908 (May 2023), LR 51:

§6103. Emergency Excavation; Notice Required; Penalty (Formerly §2709)

A. The notice required pursuant to §6101 shall not apply to any person conducting an emergency excavation. Oral or electronic notice of the emergency excavation shall be given as soon as practicable to the regional notification center or each operator having underground pipelines located in the

area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground pipelines.

B. The excavator shall certify in the notice required in Subsection A of this Section that the situation poses an imminent threat or danger to life, health, or property or is the result of an unplanned pipeline outage and requires immediate action and that the excavator, or owner or operator has personnel on site.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:956 (July 2020), repromulgated LR 49:328 (February 2023), amended LR 51:

Chapter 63. Markings

§6301. Requirements

(Formerly §2707)

A. Each operator of an underground pipeline, after having received the notification request from the regional notification center of an intent to excavate, or an intent to conduct normal commercial farming operations shall supply, prior to the proposed, excavation or normal commercial farming operation, the following information to the person responsible for the excavation or normal commercial farming operations;

1. ...

2. Unless otherwise required by federal or state statutes, the specific location and type of underground pipeline shall be marked to locate the pipelines. The pipelines shall be marked by the operator by color coded paint, flags, or stakes or similar means using the American Public Works Association color code.

a. When the operator has marked the location of underground pipelines, the marking shall be deemed good as long as visible, but not longer than 20 calendar days, including weekends and holidays, from the mark-by time, unless the notice was designated as a large project excavation or demolition and a written agreement has been reached between the operator and the excavator or demolisher. However, if the proposed excavation or demolition activity could impact a pipeline located on or in water, the commissioner may extend the time period allowed for completion of the excavation or demolition. An additional notice to the regional notification center shall be given by the excavator or demolisher in accordance with the provisions of this Subpart when the marks are no longer visible or if the excavation or demolition cannot be completed within 20 calendar days from the mark-by time; for routine excavation or demolition or ninety calendar days for large project excavation or demolition.

b. Water locations

i. Concerning locations of excavation in or on water, an excavator may request an extension to the expiration date of a regional notification center ticket under the following circumstances:

A.2.b.i.(a). - A.2.c. ...

d. In the case whereby a forestry excavator, agricultural excavator, or marine excavator has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their

utilities or facilities. The markings provided by the operator shall be deemed good as long as the markings are visible or up to thirty calendar days from the time the markings were made, whichever is shorter.

3. ...

4. In the event of inclement weather as defined in this Chapter, the mark-by time shall be extended by a duration equal to the duration of the inclement weather. The owner or operator shall notify the excavator or demolisher before the expiration of the mark-by time of the need for such extension.

5. Should an operator determine that their pipeline(s) is not in conflict with the location of the request or should the pipeline(s) not be fully marked for locating purposes, a notification shall be sent to the excavator prior to the mark-by time. A notification to the Regional Notification Center that generated the location request shall suffice for compliance with this section as it pertains to positive response.

B. For the purpose of this Section, the specific location of the underground pipeline(s) is defined as an area not wider than the width of the underground pipeline as marked plus eighteen inches on either side.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:956 (July 2020), repromulgated LR 49:328 (February 2023), amended LR 51:

Chapter 65. Excavation

§6501. Precautions to Avoid Damage

(Formerly §2711)

A. - A.3. ...

4. Potholing to determine the actual location of pipeline(s) or to determine that there is adequate clearance from the pipeline(s) if an excavation or demolition operation could result in damage to such pipeline facilities. For forestry excavation operations that could result in damage to pipelines, the forestry excavator and the operator shall cooperate to determine the actual location of such pipelines.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:957 (July 2020), repromulgated LR 49:329 (February 2023), amended LR 51:

§6503. Excavation or Demolition; Repair of Damage

(Formerly §2713)

A. ...

B. Each person responsible for an excavation or demolition operation or normal commercial farming operation which results in damage to an underground pipeline permitting the escape of any flammable, toxic, or corrosive fluids/gases shall, immediately upon discovery of that damage.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:957 (July 2020), repromulgated LR 49:329 (February 2023), amended LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery, USPS or Fed Ex, until 4 p.m., October 21, 2025, at Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Pipeline Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. All inquiries should be directed to Travis Huval at the above addresses or by phone to (225) 342-1891.

Steven M. Giambrone
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Damage Prevention**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule changes. The proposed rule changes amend the Damage Prevention sections of the Pipeline Safety Code, to align administrative rules with recent statutory revisions to Louisiana's "Dig Laws." The proposed rule changes update and clarify definitions, excavation and demolition notice requirements, timeframes for mark-by and project durations, procedures for large project agreements, emergency excavation provisions, and potholing requirements, including minor technical corrections.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have any effect on revenue collections of state or local government units. The proposed rule changes do not impose any new fees or change the existing fee structure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes. Pipeline operators and excavators are already required to comply with the Damage Prevention requirements of these regulations under R.S. 40:1749.11 – 40:1749.27. Increased compliance may result in long term benefits to owners/operators in the form of reduced damages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition and employment.

Steven M. Giambrone
Commissioner
2509#004

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Energy and Natural Resources Office of the Secretary

Open Meetings via Electronic Means
(LAC 43:I.Chapter 20)

The Department of Energy and Natural Resources, its boards and commissions, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:354, 42:14(E), 42:17.2(E), and 42:17.2.1(B), propose to adopt rules relative to Louisiana's open meeting law.

Act 393 of the 2023 Regular Legislative Session, amended R.S. 42:17.2 and enacted R.S. 42:14(E) and 17.2.1 of Louisiana's Open Meeting law to authorize eligible public bodies to conduct its meetings via electronic means (e.g. videoconference or teleconference) in order to allow any member of the public with a disability recognized by the American Disabilities Act or a designated caregiver to participate in its meeting.

The secretary of the Department of Energy and Natural Resources ("secretary") is authorized by the public bodies stated herein to take any and all necessary steps to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration, in order to promulgate regulations relative to conducting meetings via electronic means, provide for public notice, and detail participation requirements to ensure equal access for qualified individuals with disabilities recognized by the Americans with Disabilities Act by providing auxiliary aids and/or electronic services. In the absence of any further action by the public bodies stated herein, following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

Chapter 20. Disability Accommodations—Act 393 of 2003

§2001. Definitions

- A. "ADA" shall mean the American with Disabilities Act.
- B. "Board and Commission" shall mean those listed in R.S. 36:359.
- C. "DENR" shall mean the Louisiana Department of Energy and Natural Resources.
- D. "People with Disabilities" are defined as any of the following:
 - 1. a member of the public with a disability recognized by the ADA;
 - 2. a designated caregiver of such person; or
 - 3. a participant member of a board and commission itself with an ADA qualifying disability.

E. "Electronic Means" shall have the same meaning as "meeting via electronic means" as provided in R.S. 42:17.2.

F. "Meeting" shall have the same meaning as "meeting" as provided in R.S. 42:13.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§2003. Eligibility Requirements

A. This regulation shall only apply to the DENR or its boards and commissions if they conduct at least six meeting in a calendar year.

B. If this regulation is applicable pursuant to Paragraph A, then the number of meeting via electronic means shall be limited as follows:

1. The number of its regularly scheduled meetings via electronic means shall be no more than one-third in a calendar year; and/or

2. The number of successive meetings via electronic means is limited to a reasonable number.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§2005 Open Meeting Accessibility

A. DENR and each board and commission shall provide for participation via electronic means, on an individualized basis, for people with disabilities in accordance with the guidelines set forth herein.

B. Each board and commission shall adopt these regulations via a resolution.

C. DENR and each board or commission shall post a written public notice of its meeting in accordance with R.S. 42:19 and on its website. The written public notice shall also contain:

1. The contact information of the designated representative of DENR or board or commission to whom a disability accommodation request must be submitted;

2. Detailed information regarding how people with disabilities may participate in the meeting via electronic means.

D. Any member of the public, DENR or the board or commission who qualifies as a person with a disability under the ADA and this Section shall make their accommodation requests as far in advance as possible to allow time to provide an accommodation. Upon receipt of an accommodation request, the designated DENR, board or commission representative shall, if possible, provide the requestor with an accommodation.

E. Any member of DENR or the board or commission who qualifies as a person with a disability under the ADA and this Section may participate in the meeting via electronic means. Notwithstanding law to the contrary, participation via electronic means shall count for purposes of establishing quorum and voting.

F. The designated representative of DENR and the board or commission shall provide the requestor with the accommodation information, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the schedule meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the DENR and the State Mineral and Energy Board hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 17, 2025, to Blake Canfield, Executive Counsel, Department of Energy and Natural Resources, P. O. Box 94396, Baton Rouge, LA 70804-9396 or via e-mail to Blake.Canfield@la.gov.

Dustin David
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Open Meetings via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this rule is to implement the provisions of R.S. 42:14(E) and 42:17.2(E) enacted by ACT 393 of the 2023 Regular Session. R.S. 42:14(E) requires agencies (with certain exceptions) to allow any member of the public with a disability recognized by the Americans with Disabilities Act (ADA) or a designated caregiver of such a person to participate in its meetings via teleconference or video conference. Additionally, R.S. 42:17.2(E) was amended to allow agencies of public body to conduct open meetings by electronic means either through videoconference or teleconference.

The Department of Energy and Natural Resources' (DENR) implementation costs are to be nonmaterial and the agency currently has sufficient funding to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation of the proposed rule will have no impact on revenue collection by DENR.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule. Directly affected persons may realize economic benefits from accessing or attending public meetings remotely rather than in person.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have a material effect on competition and employment.

Mark Normand, Jr.
Undersecretary
2509#027

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Expedited Penalty Maximums (LAC 33:I.805)

Under the authority of the Louisiana 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 Office of the Secretary regulations, LAC 33:I.805.A (OS105).

The proposed Rule will expand the increase XP Program maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. The current maximums often pose a barrier to the use of the XP Program to resolve cases that otherwise meet all qualifying XP Program criteria. The basis and rationale for this Rule are to revise LAC 33:I.805.A to mirror the expedited penalty maximums specified in R.S. 30:2025(D)(1) which was amended by Act No. 492 of the 2025 Regular Legislative Session, which became effective on August 1, 2025. 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 I. Office of the Secretary

Chapter 8. Expedited Penalty Agreement

§805. Applicability

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed \$5,000 for one violation or \$10,000 for two or more violations.

B. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8, unless they violate a provision of the Environmental Quality Act or its implementing regulations. Additionally, participation in the LDEQ expedited penalty program is voluntary.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by OS105. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS105. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Expedited Penalty Maximums

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Louisiana Department of Environmental Quality (LDEQ) does not anticipate any costs or savings resulting from implementing the proposed rule change. The department reports that the tasks necessary to accomplish this rulemaking can be undertaken within LDEQ employees' normal scope of work and during regular working hours.

Since its inception in 2004, the department's Expedited Penalty Agreement (XP) Program has been an effective tool to address past violations and deter future noncompliance with the

Environmental Quality Act and the environmental regulations found in the Louisiana Environmental Code of Regulations (Title 33). XP's can be issued quickly due to specific violations being linked to an established fine already codified in the regulations. The XP is a voluntary agreement, where the respondent agrees to pay the fine and to forgo the right to request an adjudicatory hearing. The XP procedure allows the department, when agreed upon by the respondent, to more efficiently and effectively bring facilities into compliance with state environmental regulations.

The proposed rule change expands the XP Program maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. This does not necessarily increase the penalties for a specific violation, but provides greater access to the XP program for a violator who would exceed the current maximum cap of \$3,000 or \$5,000, depending on the number of violations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on the revenue collections of the state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to impose any additional costs to directly affected persons and nongovernmental groups.

The revisions to the existing XP rule are being proposed to allow more enforcement cases to be resolved more quickly by allowing greater access to the program. The regulated sector will be able to take the necessary corrective steps and pay the monetary penalty more efficiently. Therefore, the business will be able to achieve compliance earlier.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition or employment.

Jill C. Clark
General Counsel
2509#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Hazardous Waste Generator Improvement Rule Clean-Up
(LAC 33:V.Chapters 1, 3, 10, 22, 30, and 51;
LAC 33:VII.Chapters 1, 3, and 7)

Under the authority of the Louisiana 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.Chapters 1, 3, 10, 22, 30, and 51 and the Solid Waste regulations, LAC 33:VII.Chapters 1, 3, and 7 (MM022).

The proposed Rule will update and revise language that is inaccurate or unnecessary as well as clarify and correct formatting inconsistencies contained in Rule HW124

(Generator Improvements Rule) promulgated July 20, 2020. Larger changes and additions include the:

- revision of LAC 33:V.105.A.8 for notification of ceasing regulated hazardous waste activities;
- addition of LAC 33:V.105.A.9 for relocation of hazardous waste activities to another location;
- addition of LAC 33:V.1013.C.2.d.i that details how small quantity generators shall conduct and maintain weekly inspection records;
- addition of LAC 33:V.1015.B.1.e.i that details how large quantity generators must conduct and maintain weekly inspection records; and
- addition of LAC 33:V.1033.A.8 and LAC 33:V.1033.B.7 that details procedures to withdraw an episodic event notification.

Additionally, the proposed Rule creates LAC 33:VII.119, which outlines the waste determination process and LAC 33:VII.315.P, which requires solid waste generators to conduct a hazardous waste determination for all generated wastes. The proposed Rule also updates references to the hazardous waste regulations in LAC 33:VII that either have been moved or no longer exist. The basis and rationale for this proposed Rule are to correct language that is incorrect or inaccurate, clarify and provide minimums for regulations that were added or modified, incorporate waste determination requirements from the hazardous waste regulations into solid waste, and update solid waste citations that reference moved or deleted hazardous waste citations. This proposed 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**

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. ...

1. Within 90 days after the promulgation or revision of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form (HW-1), or whose notification on the HW-1 Form is not approved, shall notify the Office of Environmental Services, using the most current HW-1 Form or other form approved by the department.

2. - 6. ...

a. If rejected, the person shall resubmit the notification using the appropriate, approved form.

6.b. - 7. ...

8. Required Notifications for Ceasing Regulated Hazardous Waste Activities

a. A large quantity generator closing a facility shall follow the closure notification requirements in LAC 33:V.1015.B.8 using the HW-1 Form. If no other regulated hazardous waste activities will be occurring at the facility, the EPA identification number for the facility will be deactivated once verified by the department.

b. A generator ceasing an individual regulated hazardous waste activity when there is ongoing regulated hazardous waste activities, shall submit the HW-1 Form to notify the department within seven calendar days of ceasing the activity.) The EPA identification number for the facility will continue to be active for the ongoing regulated hazardous waste activities. (NOTE: LAC 33:V.105.A.8.b does not apply to a large quantity generator. A large quantity generator shall instead comply with the closure notification requirements in LAC 33:V.1015.B.8, as applicable.)

c. A generator ceasing all regulated hazardous waste activities at a facility shall notify the department within 30 calendar days using the most current Certification of No Hazardous Waste Form (Form 7442), or other forms approved by the department. The EPA identification number for the facility will be deactivated once verified by the department. (NOTE: a large quantity generator shall also comply with the closure notification requirements in LAC 33:V.1015.B, as applicable.)

9. Moving Hazardous Waste Activities to Another Location

a. A person moving a regulated hazardous waste activity to another location (i.e., physical address) shall notify the department within 30 days:

i. by submitting the HW-1 Form to obtain a new EPA identification number for the regulated hazardous waste activity at the new physical address; and

ii. if the regulated hazardous waste activity will no longer be conducted at the former facility, submit the required notifications for ceasing regulated hazardous waste activities as required by Subparagraph A.8.a.

10. Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number, or notify the department of changes to the notification shall constitute a violation of these regulations and the owner and/or operator shall be subject to an enforcement action up to and including the assessment of civil penalties.

B. - D.1.f. ...

g. spent sulfuric acid used to produce virgin sulfuric acid provided it is not *accumulated speculatively* as defined in LAC 33:V.109;

D.1.h. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR

16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division. LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1456 (October 2024), LR 51:

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Final Closure—the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under LAC 33:V.Chapters 15, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 43 are no longer conducted unless subject to provisions of LAC 33:V.1009, 1011, 1013, and 1015.

Large Quantity Generator—a generator who generates any of the following amounts in a calendar month:

1. - 2. ...

3. greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

Small Quantity Generator—a generator who generates the following amounts in a calendar month:

1. - 2. ...

3. less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

Very Small Quantity Generator—a generator who generates less than or equal to the following amounts in a calendar month:

1. ...
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; and
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:898 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1457 (October 2024), LR 51:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§305. Scope of the Permit

- A. - C.1. ...
2. generators who accumulate hazardous waste on-site in compliance with all of the conditions for exemption provided in LAC 33:V.1009, 1011, 1013, and 1015, as applicable;

C.3. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter A. General

§1003. Purpose, Scope, and Applicability

A. - A.1.b.v. ...

- vi. LAC 33:V.1107 (Manifest Requirements);

A.1.b.vii. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:901 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1007. Generator Category Determination

A. - C.4. ...

Table 1. Generator Categories Based on Quantity of Hazardous Waste Generated in a Calendar Month			
Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Nonacute Hazardous Waste Generated in a Calendar Month	Quantity of Residues from a Clean-up of Acute Hazardous Waste in a Calendar Month	Generator Category

Any Amount	Any Amount	Greater than 100 kg (220 lbs) (>100 kg)	Large Quantity Generator

D. - G.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:903 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1013. Conditions for Exemption for Small Quantity Generators

A. - C.2.d. ...

- i. The small quantity generator shall record the inspections in an inspection log or summary. Records shall be kept for at least three years from the date of the inspection. At a minimum, these records shall include:
 - (a) the date and time of the inspection;

- (b). the name of the inspector;
- (c). a notation of observations made; and
- (d). the date and nature of any repairs or other remedial actions taken.

2.e. - 3.b.iv. ...

v. the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

3.c. - 4....

a. comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809.A and B;

4.b. - 5.b....

c. provide an indication of the hazards of the contents in a conspicuous place (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

5.d. - 6.a.i. ...

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6.b. - 8.a. ...

b. Required Equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in Clauses 1013.C.8.b.i-iv of this Section, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies. The required equipment consists of:

C.8.b.i. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:906 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1015. Conditions for Exemption for Large Quantity Generators

A. - B.1. ...

a. Air Emission Standards. The applicable requirements of LAC 33:V.Chapter 43.Subchapters Q, R, and V;

B.1.b. - e. ...

i. The large quantity generator shall record the inspections in an inspection log or summary. The generator shall keep these records for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a). the date and time of the inspection;
- (b). the name of the inspector;
- (c). a notation of observations made; and
- (d). the date and nature of any repairs or other remedial actions taken.

B.1.f. - 8.a. ...

i. The large quantity generator shall notify the Office of Environmental Services following the procedures in Subparagraph B.8.b of this Paragraph in order to meet the closure performance standards of Clause B.8.c.i of this Paragraph for container storage, tank systems, and containment buildings or Clause B.8.c.ii of this Paragraph for drip pads. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record.

8.a.ii. - 8.c.i.(b). ...

(c). If the large quantity generator demonstrates that either any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Division B.8.c.i.(a).(ii) of this Paragraph, or that the remaining contaminant levels are not protective of human health and the environment as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[c] and [d] of this Paragraph, or through the use of RECAP and remedial activities under Subparagraph B.8.f of this Paragraph or LAC 33:V.2809.B.2, then the central accumulation area is considered to be a landfill. The large quantity generator shall then close the central accumulation area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (LAC 33:V.4501.B and D). In addition, for the purposes of closure, post-closure, and financial responsibility, such a central accumulation area is then considered to be a landfill, and the large quantity generator shall meet all of the requirements for landfills specified in LAC 33:V.Chapter 43.Subchapters F and G.

8.c.i.(c).ii. - i. ...

j. Closure Guidance. The large quantity generator shall review all guidance issued by the department and/or posted on its website including, but not limited to, guidance on confirmatory sampling for aboveground structures and environmental media. The purpose of such guidance is to ensure best management practices, promote consistency, and produce technically defensible closures. Any such guidance issued by the department is not regulation and shall not substitute for the requirements of Paragraph B.8 of this Subparagraph. Thus, any guidance does not impose any new requirements. The department shall retain discretion to use approaches on a case-by-case basis that differ from such

guidance where appropriate. The department will make decisions regarding closure activities required by Subparagraph B.8 of this Paragraph in accordance with the Act and regulations as applied to the specific facts of the closure. Whether or not the recommendations in any guidance are appropriate in a given situation will depend on site-specific circumstances.

B.8.k. - G. ...

1. The large quantity generator shall notify the Office of Environmental Services at least 30 calendar days prior to receiving the first shipment from a very small quantity generator(s) using the department's Notification of Hazardous Waste Activity Form (HW-1) that:

a. identifies the EPA identification number(s), if applicable, the name(s) and site address(es) for the very small quantity generator(s) as well as the contact name and contact information for the very small quantity generator(s); and

b. submits an update of the department's Notification of Hazardous Waste Activity Form (HW-1) within 30 calendar days after a change in the name or site address for the very small quantity generator.

G.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:911 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1017. EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators

A. All generators (i.e., very small quantity generators, small quantity generators and large quantity generators) shall obtain an active EPA identification number by notifying the Office of Environmental Services using the Notification of Hazardous Waste Activity Form (HW-1) within 14 days after first generating any hazardous waste at the location specified in the notification. The assignment of an active EPA identification number shall serve as proof of this notification to the department by the generator. However, as EPA identification numbers are site-specific, if a generator moves to another location, the generator shall obtain a new EPA identification number for the facility. A generator shall notify the Office of Environmental Services within seven days if any information submitted in the notification of hazardous waste activity changes. As stated in LAC 33:V.105.A.10, failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.

B. - D.1. ...

a. an even number, including zero, shall submit notification by April 15, 2021, and every four years thereafter; or

b. ...

2. A large quantity generator shall renotify the Office of Environmental Services by March 1 of each year using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department. A

large quantity generator may submit this renotification as part of its annual report required under LAC 33:V.1021.

E. - F. ...

G. Generators who cease hazardous waste activities shall comply with the notification requirements in LAC 33:V.105.A.8.

H. Generators who move to another location shall comply with the notification requirements in LAC 33:V.105.A.9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators

§1019. Recordkeeping

A. - D. ...

E. All records, including plans, required under Subchapter B must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative who is duly designated by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:920 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1023. Exception Reporting

A. - C. ...

D. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest, following the procedures of LAC 33:V.1516.C.5.a.i-vi, the generator shall comply with the requirements of Subsections A or C of this Section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of Subsections A or C of this Section for a shipment forwarding such waste to an alternate facility by a designated facility, the following conditions shall apply.

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter C. Alternative Standards for Episodic Generation

§1031. Definitions for this Subchapter

A. ...

Episodic Event—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category. An episodic event shall not last more than 60 calendar days, beginning with the

initial generation and accumulation of the episodic-generated hazardous waste, regardless of whether the generator has determined the waste is hazardous, and concluding with the episodic-generated hazardous waste being sent to a designated facility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1033. Conditions for Generators Managing Hazardous Waste from an Episodic Event

A. - A.1. ...

2. Notification. The very small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the generator shall notify Single Point of Contact (SPOC) within 72 hours of initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or online incident reporting, as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with LAC 33:V.1013.C.9.a.

3. - 7.e....

f. an approval letter from the Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

8. Withdrawal of Notification

a. The very small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

- i. episodic event did not occur;
- ii. waste was determined not to be a hazardous waste in accordance with LAC 33:V.1005; or
- iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the very small quantity generator category limit in accordance with LAC 33:V.1007.

B. - B.1. ...

2. Notification. The small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event

(i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the small quantity generator shall notify SPOC within 72 hours of initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or online incident reporting as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

3. - 6.e....

f. an approval letter from the Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

7. Withdrawal of Notification

a. The small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

- i. episodic event did not occur;
- ii. waste was determined not to be a hazardous waste in accordance with LAC 33:V.1005; or
- iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the small quantity generator category limit in accordance with LAC 33:V.1007.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§1035. Petition to Manage One Additional Episodic Event per Calendar Year

A. A generator may petition the Office of Environmental Services for a second episodic event in a calendar year without impacting its generator category under the following conditions. If a very small quantity generator or small quantity generator has already held:

1. a planned episodic event in a calendar year, the generator may petition the Office of Environmental Services for an additional unplanned episodic event in that calendar year within 72 hours of initiating the unplanned event; or

2. an unplanned episodic event in a calendar year, the generator may petition the Office of Environmental Services for an additional planned episodic event in that calendar year. (NOTE: The petition shall be submitted and approved prior to notification of the planned event [i.e., at least 30 calendar days prior to commencement].)

B. - B.5. ...

C. The petition shall be made to the Office of Environmental Services in writing, either on paper or electronically.

D. If the petition is approved by the Office of Environmental Services, the generator shall comply with Section 1033 of this Subchapter when managing the hazardous waste from the second approved episodic event including notifying the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1). A copy of the written approval of the petition shall accompany the HW-1 notification.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:923 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter D. Preparedness, Prevention and Emergency Procedures for Large Quantity Generators

§1045. Access to Communication or Alarm Systems

A. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 1041 of this Subchapter.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:924 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

A. - I.3. ...

4. waste generated by *very small quantity generator*, as defined in LAC 33:V.109;

5. - 5.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter B. Hazardous Waste Injection Restrictions

§2249. Purpose, Scope, and Applicability

A. - C.2. ...

3. if the waste is generated by a *very small quantity generator*, as defined in LAC 33:V.109.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3001. Applicability

A. - C.2. ...

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.A.1.c-d.iii, and hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1009; and

C.4. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:628 (April 2008), LR 34:1014 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1145 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 51. Fee Schedules

§5121. Generators and Transporters of Hazardous Waste

A. - B.1.b. ...

2. Storage Extension. Application for 30-day Extension of Accumulation Time Limit in LAC 33:V.1013.E and LAC 33:V.1015.C. All requests for extension of accumulation time limit shall be accompanied by a \$500 application fee.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§115. Definitions

A. ...

Hazardous Waste Determination—the process performed in accordance with LAC 33:V.1005 and LAC 33:VII.119.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:234 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1131 (August 2025), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§119. Hazardous Waste Determination

A. A person who generates a *solid waste*, as defined in LAC 33:V.109, shall determine if that waste is a hazardous waste in accordance with LAC 33:V.1005.A.

B. The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and/or at any time in the course of its management that it has, may have, or changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste in accordance with LAC 33:V.1005.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 3. Scope and Mandatory Provisions of the Program

§315. Mandatory Provisions

A. - O. ...

P. Generators shall conduct a hazardous waste determination, as outlined in LAC 33:VII.119 on all generated wastes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:1400 (July 2008), LR 36:1240 (June 2010), LR 37:3235 (November 2011) repromulgated LR 37:3508 (December 2011), LR 51:

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§711. Standards Governing Landfills (Type I and II)

A. - D.3.c.ii. ...

d. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on site for a period of three years.

D.3.e. - F.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011),), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 49:2103 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§713. Standards Governing Surface Impoundments (Type I and II)

A. - D.3.d. ...

e. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.4 - F.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:235 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§715. Standards Governing Landfarms (Type I and II)

A. - D.3.j. ...

k. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained onsite for a period of three years.

D.4 - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1565 (June 2011), LR 37:3251 (November 2011), repromulgated LR 37:3511 (December 2011), LR 51:

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. - G.3. ...

a. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained onsite for a period of three years.

G.3.b. - I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011), LR 37:3252 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014), LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by MM022. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of MM022. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or> by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hazardous Waste Generator Improvement Rule Clean-Up Package

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state governmental units as a result of the proposed rule change.

The proposed rule change clarifies notification procedures, clarifies inspection record requirements for waste generators, adds a process for withdrawing episodic event notifications, and makes hazardous waste determination requirements explicit to align state rules with federal law. It also updates and revises language to correct inconsistencies in the Hazardous Waste and Solid Waste sections of the administrative code.

Specifically, the changes include:

- 1) The revision of LAC 33:V.105.A.8 for notification of ceasing regulated hazardous waste activities.
- 2) The addition of LAC 33:V.105.A.9 for moving hazardous waste activities to another location.

3) The addition of LAC 33:V.1013.C.2.d.i, which details how small quantity generators shall conduct and maintain weekly inspection records.

4) The addition of LAC 33:V.1015.B.1.e.i, which details how large quantity generators must conduct and maintain weekly inspection records.

5) The addition of LAC 33:V.1013.B.7, which details procedures to withdraw an episodic event notification.

6) The addition of LAC 33:VII, Section 119, which outlines Hazardous Waste Determination requirements.

7) The addition of Subsection 315. P, stating that solid waste generators shall conduct a hazardous waste determination for all generated wastes. Waste determination is a requirement for all solid waste under the Resource Conservation and Recovery Act (RCRA), but it was not plainly stated in the solid waste regulations. This update clearly identifies the regulatory requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to have costs or economic benefits on persons, small businesses, or non-governmental groups. The proposed rule change only corrects errors in the current regulations or provides clarification to existing regulatory requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Louisiana Department of Environmental Quality does not anticipate any impact on competition in the public and private sectors as a result of the proposed rule change.

Jill C. Clark
General Counsel
2509#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Hazardous Waste Pharmaceutical Rule (LAC 33:V.Chapters 1, 3, 10, 12, 15, 22, 43, and 49)

Under the authority of the Louisiana 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.Chapters 1, 3, 10, 12, 15, 22, 43, and 49 (HW133).

The proposed Rule will adopt the mandatory and optional portion of the Federal Management Standards for Hazardous Waste Pharmaceuticals and amendment to the P075 listing for nicotine. The mandatory portions of the proposed Rule create new management standards for pharmaceuticals by healthcare facilities and reverse distributors in lieu of being managed as traditional hazardous waste. The proposed Rule prohibits the disposal of hazardous waste pharmaceuticals down the drain and eliminates dual regulation of Resource Conservation and Recovery Act (RCRA) hazardous wastes that are also Drug Enforcement Administration controlled

substances under a conditional exemption. The proposed Rule maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. The optional portion of the proposed Rule excludes the P075 listing of nicotine and nicotine salts contained in USDA approved over the counter nicotine replacement therapies. The basis and rationale for this proposed Rule are to adopt and incorporate by reference the Federal Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 listing for nicotine. This proposed 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

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.1.a.i. ...

ii. any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment, except as prohibited by 40 CFR 266.505 and Clean Water Act requirements at 40 CFR 403.5(b). *Domestic Sewage* means untreated sanitary wastes that pass through a sewer system;

D.1.b. - N. ...

1. Except as provided in LAC 33:V.105.N.6, any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of LAC 33:V.Chapter 38 may petition for a regulatory amendment under LAC 33:I.Chapter 9 and LAC 33:V.Chapter 38.

2. - 5. ...

6. Hazardous waste pharmaceuticals are regulated by 40 CFR part 266 subpart P and may not be added as a category of hazardous waste for management under this Subsection.

O. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR

16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Division, LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1456 (October 2024), LR 51:

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Empty Container—

1.a. - 2.c.iii. ...

3. containers of hazardous waste pharmaceuticals are subject to LAC 33:V.1205 for determining when they are considered empty, in lieu of this Section, except as provided by 40 CFR 266.507(c) and (d).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR

25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1457 (October 2024), LR 51:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§305. Scope of the Permit

A. - C.13.d. ...

14. any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, and 7 for those activities;

15. in the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition or;

16. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter A. General

§1003. Purpose, Scope, and Applicability

A. - F. ...

G. All *reverse distributors*, as defined in LAC 33:V.1205, are subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals in lieu of this Chapter.

H. Each *healthcare facility*, as defined in LAC 33:V.1205, shall determine whether it is subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and nonpharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste per calendar month, more than 1 kg (2.2 pounds) of acute hazardous waste per calendar month, or more than 100 kg (220 pounds) per calendar month of any residue, contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in LAC 33:V.4901.B or LAC 33:V.4901.E is subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals in lieu of this Part.

I. A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its nonpharmaceutical hazardous waste, remains subject to LAC 33:V.1009 and is not subject to LAC 33:V.1205, except for 40 CFR 266.505 and 266.507 and the optional provisions of 40 CFR 266.504.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:901 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§1007. Generator Category Determination

A. - D.5....

6. universal waste managed under LAC 33:V.105.D.7 and Chapter 38;

7. managed as part of an episodic event in compliance with LAC 33:V.Chapter 10.Subchapter C; or

8. is a *hazardous waste pharmaceutical*, as defined in LAC 33:V.1205, that is subject to or managed in accordance with LAC 33:V.1205 or is a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and is conditionally exempt under 40 CFR 266.506.

E. - G.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:903 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§1009. Conditions for Exemption for Very Small

Quantity Generators

A. - A.5.h.ii.(a). ...

(b). an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the

U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

i. a *reverse distributor*, as defined in LAC 33:V.1205, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a *healthcare facility*, as defined in LAC 33:V.1205; or

j. a *healthcare facility*, as defined in in LAC 33:V.1205, that meets the conditions in 40 CFR 266.502(l) and 266.503(b), as applicable, to accept noncreditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

A.6. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:904 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 12. Federal Programs Adopted by Reference Subchapter A. Modifications and/or Exceptions

§1201. Modifications and/or Exceptions

A. The following terms in Title 40 of the Code of Federal Regulations (CFR) are changed to mean the following.

1. EPA or Regional Administrator shall refer to LDEQ or Assistant Secretary of the Office of Environmental Services.

2. CFR requirements where reports, notification and other correspondence are submitted to EPA, shall be sent to the LDEQ Office of Environmental Services.

3. Must in CFR language means shall.

4. CFR biennial reports shall be annual reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter B. Programs

§1203. Reserved

A. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

§1205. Pharmaceutical Waste

A. Any facility that manages hazardous pharmaceutical waste shall meet 40 CFR 266, subpart P (Hazardous Waste Pharmaceuticals), August 2019, which is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - C.11.e. ...

f. antifreeze as described in LAC 33:V.3811;

12. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1; or

13. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated *hazardous waste pharmaceuticals*, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

D. - H.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2205. Storage Requirements for Generators and Reverse Distributors

A. - A.3. ...

4. A healthcare facility accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the healthcare facility complies with the applicable requirements in LAC 33:V.1205.

5. A reverse distributor accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the reverse distributor complies with LAC 33:V.1205.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:280 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§2245. Generator and Reverse Distributor Waste Analysis, Recordkeeping, and Notice Requirements

A. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Affairs Division, LR 43:1144 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:937 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.f. ...

14. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated *hazardous waste pharmaceuticals*, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 49. Lists of Hazardous Wastes

Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).

§4901. Category I Hazardous Wastes

A. - D.2. ...

3. any residue remaining in a container or an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in LAC 33:V.4901.E or F, unless the container is empty as defined in LAC 33:V.109. *Empty Container.2* or LAC 33:V.1205;

Note: Unless the residue is being beneficially used, reused, legitimately recycled or reclaimed, or being accumulated, stored, transported or treated prior to such use, reuse, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate reuse of the residue is where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue is where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.

D.4. - E. ...

* * *

Table 3. Acute Hazardous Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
* * *		
P075	154-11-5	Nicotine, and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
* * *		
P075	154-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (s)- and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
* * *		

* * *

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
* * *		
P075	154-11-5	Nicotine, and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
P075	154-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (s)- and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
* * *		

* * *

F. - G. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR

18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:635 (April 2008), LR 34:1020 (June 2008), LR 34:2392 (November 2008), LR 36:2555 (November 2010), LR 38:780 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2492 (September 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by HW133. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW133. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Miscellaneous Corrections
(LAC 33:XV.328, 709, and 778)

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Hazardous Waste Pharmaceutical Rule

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state governmental units as a result of the proposed rule change.

The proposed rule change makes the following changes:

1) Adopts the mandatory and optional portions of the Federal Management Standards for Hazardous Waste Pharmaceuticals.

2) Adopts the Amendment to the P075 listing for Nicotine, which exempts nicotine replacement therapies like gums, patches, and lozenges from the Federal Hazardous Waste Pharmaceutical list.

3) Establishes new management standards for pharmaceuticals by healthcare facilities and reverse distributors, rather than treating them as traditional hazardous waste.

4) Prohibits the disposal of hazardous waste pharmaceuticals down the drain.

5) Eliminates dual regulation of Resource Conservation and Recovery Act (RCRA) hazardous wastes that are also Drug Enforcement Administration-controlled substances under a conditional exemption.

6) Maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal, and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact the costs or economic benefits of any persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The department does not anticipate any impact on competition in the public and private sectors as a result of the proposed rule change.

Jill C. Clark
General Counsel
2509#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Under the authority of the Louisiana 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.328, 709, and 778 (RP072).

The proposed Rule updates the regulations pertaining to dosimetry and makes miscellaneous corrections to the Radiation Protection regulations. The changes in the state regulations are category B requirements for the State of Louisiana to remain a Nuclear Regulatory Commission (NRC) Agreement State. This Rule was promulgated by the NRC as RATS ID 2023-1. The basis and rationale for the proposed Rule are to mirror the federal regulations and maintain an adequate Agreement State Program. 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 XV. Radiation Protection

Chapter 3. Licensing of Byproduct Material

Subchapter D. Specific Licenses

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Byproduct Material

A. - J.1.b. ...

i. registered or licensed with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.17(a);

J.1.b.ii. - M.4.g. ...

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), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal

Division, LR 38:2746 (November 2012), LR 40:286 (February 2014), LR 40:1341 (July 2014), LR 41:1278 (July 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2137 (December 2018), LR 47:1853 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 7. Use of Radionuclides in the Healing Arts
§709. Supervision

A. - A.3. ...

4. require the authorized user to be immediately available to communicate with the supervised individual; and

5. require that only those individuals specifically trained, and designated by the authorized user, shall be permitted to administer radionuclides or radiation to patients.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

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 24:2102 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1173 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§778. Other Medical Uses of Byproduct Material or Radiation From Byproduct Material

A. A licensee may use byproduct material or a radiation source approved for medical use which is not specifically addressed in this Chapter if the applicant or licensee has:

1. submitted the information required by LAC 33:XV.324; and

2. received written approval from the department, the Nuclear Regulatory Commission (NRC), or an agreement state in a license or license amendment and uses the material in accordance with the regulations and specific conditions the department, the NRC, or an agreement state considers necessary for the medical use of the material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by RP072. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney

Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP072. The proposed regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or> by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Miscellaneous Corrections**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change updates the regulations regarding physical presence during supervision for the use of radionuclides, provides for other medical uses of byproduct materials or radiation from byproduct material, and makes miscellaneous corrections. The proposed rule was promulgated by the Nuclear Regulatory Commission (NRC). The proposed rule change will update the state regulations to align with changes in federal regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated increase or decrease on revenue collections of state or local governmental units from the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No persons, small businesses, or nongovernmental groups will be directly affected by this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule change will have no impact on competition and employment in the public and private sectors.

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Notification and Permit Transfer Procedures for Changes to Company/Facility Name and Ownership/Operator (LAC 33:I.Chapter 19)

Under the authority of the Louisiana 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 Office of the Secretary regulations, LAC 33:I.Chapter 19 (OS099).

The proposed Rule seeks to modify existing regulations by clarifying the applicability and addressing other items in order to minimize the number of deficient or incomplete forms submitted to the department.

The Permit Application and Administrative Review group (PAAR) with the Public Participation and Permit Support Division is responsible for processing Notification of Change forms according to LAC 33:I.Chapter 19. Due to the lack of specificity in the current regulation, many applicants submit applications that are incomplete or request action on activities not covered in the regulation. This results in a high percentage of applications requiring deficiency letters or additional clarification. The proposed Rule seeks to address these issues. The basis and rationale for this proposed Rule are to provide clarification and better customer service, clarify expectations, and provide these services more effectively and efficiently. 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 I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures Chapter 19 Notification and Permit Transfer Procedures for Changes to Company/Facility Name and Ownership/Operator

§1901. Applicability

A. This Chapter applies to the owner/operator of any facility with certain effective permits issued under the air, water, hazardous waste, and solid waste regulatory programs, whenever a company or facility name change or an ownership or operator change occurs.

1. Notifications of changes shall be submitted by the new owner/operator to the department on the most current version of the Notification of Change Form (NOC-1 Form) approved by the department. This form may be found on the department's website. Notification of changes shall be made for or holding any air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and/or solid waste permits as indicated below:

- a. air quality permits, including, but not limited to:

- i. regulatory permits;
- ii. minor source permits;
- iii. Title V permits;
- iv. acid rain permits;
- v. prevention of significant deterioration (PSD) permits; and
- vi. exemptions granted under LAC 33:III.501.B.4;
- b. solid waste permits;
- c. hazardous waste permits;
- d. LPDES permits, except as noted in Subsection A.5 and C of this Section; and
- e. biosolids permits.

2. Administratively extended permits may be transferred under this Chapter at the discretion of the administrative authority.

3. The NOC-1 Form shall not be used to make name changes, or to transfer authorization to a new owner or operator for:

- a. radiation permits and licenses;
- b. UST registrations and certifications;
- c. water quality certifications;
- d. certifications, registrations, and accreditations related to the asbestos program;
- e. certifications, registrations, and accreditations related to the lead based paint program;
- f. transporter ID numbers and authorizations under the hazardous waste program (see Subsection D of this Section);
- g. transporter ID numbers and authorizations under the solid waste and sewage sludge programs;
- h. accreditations under the Louisiana Environmental Laboratory Accreditation Program; and
- i. name and ownership/operator changes for sites undergoing remediation, other than for the transfer of effective permits associated with the site(s).

4. The following do not qualify for company/facility name or ownership/operator changes by the department through the NOC-1 Form:

- a. LPDES general permits, which specifically include language prohibiting transfer of permit coverage;
- b. air permit exemptions, except exemptions granted under LAC 33:III.504.B.4;
- c. any variance for air requested in accordance with LAC 33:III.917;
- d. any hazardous waste variances requested or updated in accordance with LAC 33:V.105.K;
- e. any permit that is expired, terminated, or rescinded (except that administratively continued permits pending renewal may be transferred at the discretion of the permitting authority); and
- f. administrative orders, settlement agreements, orders on consent, orders to close, orders to upgrade, or any other such mechanism.

B. A name or ownership/operator change processed in accordance with this Chapter will be considered a minor permitting action or administrative amendment. Name or ownership/operator change requests shall be processed in accordance with this Chapter, unless the administrative authority determines the name or ownership/operator change shall be processed pursuant to the requirements for a minor permit modification or administrative amendment in lieu of the procedures contained in this Chapter.

C. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a LPDES permit transfer is not required. A NOC-1 Form shall be submitted for a change in the name of a facility or a change in the name of the company, in accordance with LAC 33:I.1905.

D. EPA Hazardous Waste Identification (ID) Numbers

1. EPA hazardous waste ID numbers are not transferable.

2. For facilities with a hazardous waste permit, the new applicant shall submit both an accurate and complete NOC-1 Form to transfer the permit and an accurate and complete Notification of Hazardous Waste Activity Form (HW-1 Form), or a RCRA Subtitle C Site Identification Form (EPA Form 8700-12) for changes to the EPA hazardous waste ID number in accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

3. For facilities with an EPA hazardous waste ID number that do not have a hazardous waste permit, and that have other permits subject to these regulations, the applicant shall submit an accurate and complete NOC-1 Form for the transfer of the permit(s) and an accurate and complete HW-1 (or EPA Form 8700-12) for changes to the EPA hazardous waste ID number in accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

4. For facilities with only an EPA hazardous waste ID number and no permits subject to transfer, the applicant need only submit an accurate and complete HW-1 Form (or EPA Form 8700-12) in accordance with LAC 33:V.1017. The applicant shall use the most current version of the HW-1 Form approved by the department.

E. The terms *administratively complete*, *administrative amendment*, *financial assurance*, and *minor modification* as used in this Chapter shall have the same meaning and intent as when used in LAC 33:Parts III, V, VII, and IX.

F. This Chapter does not supersede an otherwise applicable requirement addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable regulations promulgated under 40 CFR part 63 (MACT standards), or acid rain program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 51:

§1903. Liability

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the effective date of the permit transfer, as determined by the administrative authority in accordance with this Chapter.

B. The previous owner or operator retains responsibility for the compliance with the financial assurance regulations until the new owner or operator has demonstrated that he or she is complying with the specified financial assurance regulations of Title 33 of the *Louisiana Administrative Code* (e.g., LAC 33:V.Chapter 37, LAC 33.VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010), LR 51:

§1905. Name Change

A. For a change in a permit resulting only due to a change in the name of a facility or change in the name of the company, written notification shall be made to the Office of Environmental Services. The owner or operator shall submit a complete Notification of Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. This form may be found on the department's website.

B. No later than 30 days after receipt of a complete notification of a name change for a facility or change in the name of the company, the administrative authority shall notify the owner/operator that the department has received and processed the name change

1. For notifications submitted prior to or no later than 45 days after the change, the effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the name change shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority, and to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made no later than 90 calendar days after the change is effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010), LR 51:

§1907. Change of Ownership/Operator—No Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required when an accurate and complete NOC-1 Form and the following information has been received:

1. documentation clearly identifying the party who will be responsible for existing violations; and

2. evidence of permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services and shall include the following.

1. The new owner or operator shall submit a complete Notification of Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change.

2. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to and submitted with a completed NOC-1 Form.

C. No later than 30 days after the receipt of a complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe.

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date indicated on the NOC-1 Form, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

D. The department may initiate action to terminate or revoke, and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or for failure to submit an accurate, complete NOC-1 Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 51:

§1909. Change of Ownership/Operator—Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;

2. demonstration of compliance with financial responsibility requirements by the new owner or operator;

3. a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage (Upon review, supporting information may be requested including, but not limited to, financial reports and financial statements.); and

4. evidence of permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a complete Notification of Change (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to and submitted with a completed NOC-1 Form.

2. A written agreement containing specific information regarding the implementation of a financial assurance mechanism meeting the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), LAC 33:IX.Chapter 67 (water financial security requirements), and Section 7307 (sewage sludge financial assurance requirements). The agreements shall be attached to and submitted with a completed NOC-1 Form. The term of the implementation schedule shall not exceed six months, as indicated in Subsection C of this Section.

3. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Hazardous Waste Permit Part A Form) permit application and Hazardous Waste Notification Form (HW-1 Form) with the NOC-1 Form.

4. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) and Section 7307 (sewage sludge financial assurance requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307.

C. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307 no later than six months after the date of the change of ownership or operational control of the facility. Upon adequate demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

D. Within 45 days after the receipt of a complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section.

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

E. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority, and to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made no later than 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

F. The department may initiate action to terminate or revoke and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or a failure to submit an accurate and complete NOC-1 Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 36:2552 (November 2010), LR 51:

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator on the appropriate Notification of Change (NOC-1 Form) accompanied with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility. The notification shall not be considered complete if the appropriate fees are not submitted.

* * *

B. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality and mailed or hand delivered to the department at the address provided on the NOC-1 Form.

2. - 3. ...

C. Failure to pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in denial of the change request and may subject the owner/operator to enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the permit, license, registration, or variance for the failure to pay fees and for any resulting noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 35:2178 (October 2009), LR 36:2552 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1238 (July 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on child, individual, or family poverty as described in R.S. 49:973.

Small Business Impact Statement

This proposed Rule has no adverse impact on small business as described in R.S. 49:974.1 - 974.8. There may be a slight decrease in costs to entities submitting a Notification of Change (NOC-1) Form as this proposed Rule seeks to provide greater clarification, thereby reducing notices of deficiency.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by OS099. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS099. The proposed regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Notification and Permit Transfer
Procedures for Changes to Company/Facility Name and
Ownership/Operator**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units. This proposed rule change will allow the department to process name and ownership changes more effectively and efficiently.

The proposed rule change provides clarification for entities requesting name, ownership, and/or operator changes for effective permits subject to the rule and documents procedures. Current regulations do not adequately specify the activities that are exempt from the rule, resulting in a significant number of deficiency notices or the need for amended requests. The proposed rule change seeks to provide greater clarity, thereby allowing the request to proceed more efficiently.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated increase or decrease in revenues anticipated from this proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There may be a decrease in costs to entities submitting a Notification of Change (NOC-1) Form, as the proposed rule change seeks to provide greater clarification as to the applicability of the rule, thereby reducing notices of deficiency.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no estimated effect on competition and employment as a result of the proposed rule change.

Jill C. Clark
General Counsel
2509#060

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Termination of Stage II Program
(LAC 33:III.2132)**

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 Air regulations, LAC 33:III.2132.J.3 (AQ404).

The proposed Rule modifies the wording of LAC 33:III.2132.J.3 for existing facilities that have Stage II vapor recovery equipment. It further clarifies that failure to properly decommission Stage II vapor recovery systems may subject affected facilities to enforcement action. The proposed Rule also replaces the stated enforcement actions of "requiring decommissioning of the stage II vapor recovery system" and "prohibition of the sale/dispensing of

gasoline" with a reference to the penalties listed in LAC 33:III.2132.H.1. The basis and rationale for this proposed Rule are to reduce the financial impact on the regulated community by providing more time to comply ahead of enforcement actions. 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 III. Air

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

Subchapter F. Gasoline Handling

**§2132. Stage II Vapor Recovery Systems for Control of
Vehicle Refueling Emissions at Gasoline
Dispensing Facilities**

A. - J.2. ...

3. An existing facility with stage II vapor recovery equipment may complete decommissioning of the stage II equipment at any time after EPA approval of the SIP revision in Paragraph 1 of this Subsection. The failure to properly and timely decommission a stage II vapor recovery system in accordance with this Subsection is a violation of the Act and these regulations and may be subject to an enforcement action, which may include penalties as indicated in LAC 33:III.2132.H.1. Once the decommissioning of the stage II vapor recovery system has been completed in accordance with this Subsection, the facility is no longer subject to the requirements of this Section, except to comply with notifications, procedures, and recordkeeping associated with decommissioning.

J.4. - J.4.e.ii. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2138 (November 2017), LR 44:1242 (July 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known adverse impact on small business as described in R.S. 49:974.1 - 974.8. This Rule reduces the number of small businesses that will be subject to costly enforcement actions.

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference this proposed Rule by AQ404. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ404. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Termination of Stage II Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Louisiana Department of Environmental Quality (LDEQ) does not anticipate any costs or savings resulting from the proposed rule change. The department reports that the tasks necessary to accomplish this rulemaking can be undertaken within the LDEQ employees' normal scope of work and during regular working hours.

Under current law, a gasoline dispensing facility must decommission its stage II vapor recovery equipment no later than 18 months after Environmental Protection Agency (EPA) approval of the State Implementation Plan (SIP) revision that terminated the stage II program. The proposed rule change will remove the 18-month timeframe requirement, which will allow facilities to decommission the equipment at any time after EPA's approval of the SIP revision. Additionally, the proposed

rule change replaces the consequences of non-compliance, which currently is a prohibition on selling or dispensing gasoline, with the enforcement actions listed in LAC 33:III.2132.H.1.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Current rules allow LDEQ to prohibit the sale or dispensing of gasoline for violations. The proposed rule change will allow LDEQ to issue cease and desist orders, suspend or revoke licensure, or issue monetary fines. LDEQ is unable to quantify the amount of monetary fines that will be issued, making the revenue increase indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Decommissioning activities have far exceeded the 18 months from EPA's approval of the SIP revision that allowed for termination of the Stage II program. The proposed rule change will reduce the financial impact on the regulated community by providing more time to comply ahead of enforcement actions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of this proposed rule change.

Jill C. Clark
General Counsel
2509#057

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons and Committee on Parole

Clemency (LAC 22:V.211)

In accordance with the provisions of the Administrative Procedure ACT (R.S. 49:950) and pursuant to R.S. 15:573.1, the Board of Pardons hereby gives notice of its intent to amend LAC V.211. The amendment to §211 adds that victim testimony shall be allowed in an executive session during the hearing upon their request.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 2. Clemency

§211. Hearings before the Pardon Board

A. - E.2. ...

a. The victim, spouse, witness, guardian of the victim, or a close relative of the deceased victim shall be allowed to present such testimony in executive session at their request.

E.3. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.54, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 42:1088 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 43:46 (January 2017), LR 44:574 (March 2018), LR 44:2140 (December 2018), LR 47:359 (March 2021), LR 47:1107 (August 2021), LR 50:1266 (September 2024), LR 51:295 (February 2025), LR 51:

Family Impact Statement

In compliance with R.S. 49:972, this amendment to the rules has no known impact on family formation, stability, or autonomy.

Poverty Impact 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.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reducing the impact on small businesses, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. It is not anticipated that the proposed amendments will have any adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Whitney Troxclair, Executive Management Officer, Board of Pardons and Committee on Parole, P.O. Box 94304, Baton Rouge, LA 70804, until 3:30 p.m. on October 10, 2025.

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 October 25, 2025, starting at 9 a.m., at the Louisiana Board of Pardons & Committee on Parole Hearing Room, 504 Mayflower Street, Baton Rouge, LA 70802. Any person wishing to attend should call to confirm that a hearing is being held.

Sheryl M. Ranatza
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Clemency

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to R.S. 15:573.1, the Department of Public Safety and Corrections, Board of Pardons, proposes to amend LAC Title 22: Corrections, Criminal Justice, and Law Enforcement, Part V - Board of Pardons, Chapter 2 – Clemency, Section 211 – Hearings before the Pardon Board. The proposed rule change adds the victim, spouse, witness, guardian of the victim, or a close relative of

the deceased to those persons that are allowed to present testimony in executive session at their request with the Board of Pardons.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated cost and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Jamie Lee
Undersecretary
2509#033

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons and Committee on Parole

Victims and Witnesses and Alien Removal Process
(LAC 22:XI.510 and Chapter 16)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to R.S. 15:573.1, the Board of Pardons and Committee on Parole hereby give notice of their intent to amend LAC XI.510 and to create a new chapter to LAC XI titled Chapter 16 Alien Removal Process. The amendment to §510 adds that victim testimony shall be allowed in an executive session during the hearing upon their request. The purpose of Chapter 16 is to provide notice and clarification of the alien removal process, as well as the eligibility criteria and conditions for Deportation Eligibility Hearings.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 5. Meetings and Hearings of the Committee on Parole

§510. Victims and Witnesses

A. - K. ...

1. The victim, spouse, witness, guardian of the victim, or a close relative of the deceased victim shall be allowed to present such testimony in executive session at their request.

L. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and R.S. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Officer of the Governor, Board of Pardons, Committee on Parole, LR 39:2263 (August 2013), amended by the Officer of the Governor, Board of Pardons and Committee on Parole, LR 43:47 (January 2017) LR 44:575 (March 2018), LR 44:2142 (December 2018), LR 47:1107 (August 2021), LR 49:257 (February 2023), LR 50:1269 (September 2024), LR 51:

Chapter 16. Alien Removal Process

§1601. Definitions

Alien—shall have the same meaning as defined in Title 8, Section 1101 of the United States Code.

Committee—refers to the Deportation Eligibility Hearing Committee, which shall be comprised of a three-member panel of the members of the Committee on Parole who shall hear and decide deportation eligibility cases.

Removal—the deportation of an alien from the United States to another country.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

§1602. Eligibility

A. An inmate shall be eligible for parole consideration and release for the purposes of deportation or removal if the following conditions have been met:

1. The inmate is an alien who has a final order of removal or a detainer issued by the Department of Homeland Security;

2. The inmate is not serving a sentence for a sex offense as defined in R.S. 15:541 or a crime of violence as defined in R.S. 14:2(B), that is punishable by imprisonment for ten years or more, life, or death; and

3. The inmate has been approved for a deportation eligibility hearing by the governor and the district attorney of the parish where the conviction occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

§1603. Investigation and Notification

A. For any inmate who meets the criteria of Section 1602 of this Chapter, the committee shall:

1. conduct an expedited pre-hearing investigation; and

2. notify the district attorney and sheriff of the parish where the conviction occurred and any registered victim(s) at least 30 days prior to the deportation eligibility hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

§1604. Hearing Process

A. The committee shall conduct an expedited deportation eligibility hearing. During which, the committee shall render its decision granting or denying the release and transfer of the inmate for the purpose of deportation or removal within seven days of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

§1605. Transfer of Custody

A. If the committee grants a release on parole for the purpose of deportation or removal pursuant to this Section, the committee shall issue all orders and paperwork necessary to transfer or deliver the inmate to the custody of the Department of Homeland Security.

B. Upon the inmate's release to the Department of Homeland Security, the committee shall issue a warrant for the return of the inmate to the state's custody and shall be executed if the inmate is released from the custody of the

Department of Homeland Security for any reason other than deportation or removal.

C. The committee shall have sole discretion as provided by R.S. 15:574.11 regarding its decision to release the inmate pursuant to this Section, and no person shall have a right of appeal from any such decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

§1606. Conditions

A. Any decision made by the committee to grant an inmate release on parole for the purpose of deportation or removal shall include the following conditions:

1. The inmate shall only be released from physical state custody directly to the custody of the Department of Homeland Security and shall be held in its custody until the inmate is physically removed from the United States;

2. The remainder of the inmate's sentence shall be suspended upon the date the inmate is transferred out of state custody;

3. If the inmate is deemed ineligible for deportation or removal for any reason, the inmate shall be transferred back to state custody to serve out the remainder of their sentence;

4. If deported or removed from the United States, the inmate shall remain outside of the United States and the state of Louisiana and shall not attempt to reenter the country unless such reentry is in compliance with Title 8 of the United States Code; and

5. If the inmate is discovered or detained within the United States after deportation or removal, the committee shall automatically revoke the inmate's parole, and the inmate shall be remanded to state custody to serve out the remainder of their sentence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.71 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons and Committee on Parole, LR 51:

Family Impact Statement

In compliance with R.S. 49:972, this amendment to the rules has no known impact on family formation, stability, or autonomy.

Poverty Impact 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.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reducing the impact on small businesses, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. It is not anticipated that the proposed amendments will have any adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Whitney Troxclair, Executive Management Officer, Board of Pardons & Committee on Parole, P.O. Box 94304, Baton Rouge, LA 70804, until 3:30 p.m. on October 10, 2025.

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 October 25, 2025, starting at 9 a.m., at the Louisiana Board of Pardons & Committee on Parole Hearing Room, 504 Mayflower Street, Baton Rouge, LA 70802. Any person wishing to attend should call to confirm that a hearing is being held.

Sheryl M. Ranatza
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Victims and Witnesses and Alien Removal Process**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to R.S. 15:573.1, the Department of Public Safety and Corrections, Committee on Parole proposes to create a new chapter to LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part XI, titled Chapter 16 – Alien Removal Process. The purpose of Chapter 16 is to provide notice and clarification of the alien removal process, as well as the eligibility criteria and conditions for Deportation Eligibility Hearings. The proposed rule change establishes new procedures for deportation eligibility hearings and the transfer of custody for incarcerated non-citizens, including the conditions for parole release to the U.S. Department of Homeland Security (DHS).

The Committee on Parole also proposes to change Section 510 (within Chapter 5 – Meetings and Hearings of the Committee on Parole). The purpose of this change is to allow victims, spouses, witnesses, guardians, or close relative of a deceased victim to provide testimony within executive session of parole hearings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Jamie Lee, Jr.
Undersecretary
2509#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Addictive Disorder Regulatory Authority

Substance Abuse Counselors
(LAC 46:LXXX.Chapters 1-21)

Notice is hereby given that the Addictive Disorder Regulatory Authority (ADRA) has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and under the authority of R.S. 37:3386.3A(3), and intends to amend LAC 46:LXXX §§ 101, 103, 105, 301, 303, 503, 701, 703, 705, 707, 709, 711, 713, 719, 721, 723, 725, 727, 729, 731, 901, 903, 905, 908, 909, 911, 913, 921, 923, 925, 927, 1101, 1301, 1501, 1503, 1505, 1507, 1511, 1705, 1707 and 1709; and to repeal LAC 46:LXXX §§ 505, 715, 717, 1701, 1703, 1901, 1903 and 1905; and to adopt and enact LAC 46:LXXX §2001 regarding conduct of meetings with allowed participation of certain individuals by teleconference, video conference or alternative means, as required by R.S. 42:14 E(1); to adopt and enact LAC 46:LXXX §2101 regarding telehealth as required by R.S. 40:1223.4A; and to adopt and enact LAC 46:LXXX §715, regarding licensed prevention professionals, LAC 46:LXXX §716 regarding certified prevention professionals, and LAC 46:LXXX §71 regarding registered prevention professionals, and LAC 46:LXXX §720 regarding certified prevention supervisors, all as required by R.S. 37:3387.10 (E), R.S. 37:3387.11 (E), R.S. 37:3387.12(E), and R.S. 37:3387.14(B), respectively; all in order to remove statements of law from the rules; to coordinate and clarify all rules regarding each practice credential, specialty certification, or learning status within the same Rule; to adhere to the requirements of Executive Order JML 25-38 to conduct a systematic review of all rules, to remove unnecessary regulatory barriers, to promulgate all rules required by law, to address costs and benefits of regulatory alternatives; to ensure that all rules are written using plain language; and to ensure that all rules are necessary, consistent with the law, and aligned with the mission of the ADRA; as approved by the Addictive Disorder Regulatory Authority in a meeting of July 27, 2025.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXX. Substance Abuse Counselors

Chapter 1. General Provisions

§101. Scope

A. The rules of this Part are relative to and govern the issuing of practice credentials and certifications to addiction counselors and prevention professionals by the Louisiana Department of Health, Addictive Disorder Regulatory Authority, and all related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§103. Source and Authority

A. These rules are promulgated by the Louisiana Department of Health, Addictive Disorder Regulatory Authority to provide for and implement its authority and responsibility pursuant to the Addictive Disorders Practice Act (the Act), R.S. 37:3386-3390.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386-3390.6.

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§105. Definitions

A. As used in these rules, the following terms shall have the meanings specified.

Act—the Addictive Disorders Practice Act, R.S.37:3386-3390.6.

Addictive Disorder Regulatory Authority (ADRA)—the licensing board created within the Louisiana Department of Health, to regulate the practice of addictive disorder treatment and prevention.-

Approved Educational Program (AEP)—any organizations that register as being ADRA approved as an education provider in the field of addictive disorder counseling and prevention and conducts courses, workshops, seminars, conferences and other educational programs.

Approved Institution of Higher Education (AIHE)—any university or college accredited by a recognized regional accrediting body which has applied for, received, and maintained approval of the ADRA for higher education in addictive disorder counseling and prevention.

Clinical Supervision—the interpersonal tutorial relationship between a certified clinical supervisor and other licensed, certified, or registered addiction counselor or counselor-in-training centered on the goals of skill development and professional growth through learning and practicing. Through observation, evaluation, and feedback, clinical supervision enables professional responsibility. Clinical supervision is understood to emphasize improvement of the counseling skills and effectiveness of the supervisee and is to be distinguished from administrative supervision.

Direct Supervision—responsible, continuous, on-the-premises observation, by a certified clinical supervisor or qualified professional supervisor approved by the ADRA, whereby the supervisor is personally present in the servicing facility and immediately available to the service area. Direct supervision may include treatment team or staffing meetings, observation in group, individual, family, education or other, private conversations (one to one) discussing cases, core functions, knowledge, skills, and attitudes (KSA) or reviews of charts or medical records. The professional providing direct supervision shall be ultimately responsible for the acts or omissions of the counselor in training or prevention specialist in training he is supervising. Where off-the-premises experience is arranged for the candidate being supervised, the supervision plan shall so indicate and shall

designate an appropriate professional at the worksite to act in a supervisory capacity.

IC & RC—the International Certification and Reciprocity Consortium.

Performance Domains—for prevention professionals are:

- a. Planning and evaluation;
- b. Prevention education and service delivery;
- c. Communication;
- d. Community organization;
- e. Public policy and environmental change; and
- f. Professional growth and responsibility.

TAP 21—Addiction Counseling Competencies: The Knowledge, Skills, and Attitudes of Professional Practice (The Competencies)—published by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Center for Substance Abuse Treatment (CSAT) as Technical Assistance Publication (TAP) 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 3. Practice

§301. Scope of Practice

A. - B.2. ...

3. address other substance use and substance-use related behaviors including increased or retained employment or educational status;

B.4. - B.6. ...

7. increase social supports and social connectedness.

C. Nothing in these rules and regulations shall be construed to authorize an addiction counselor, compulsive gambling counselor, or prevention professional to practice medicine, social work, or psychology, or to provide any counseling other than addictive disorders counseling or prevention services. An addiction counselor, compulsive gambling counselor, or prevention professional shall not order, administer, or interpret psychological tests or utilize psychometric procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:647 (March 2005). amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§303. Minimum Standards of Practice

A. The minimum standard of practice for addiction counselors and prevention professionals will be met if:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3A(3) and (12).

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005), amended LR 51:

Chapter 5. ADRA Documents and Payment of Costs

§503. ADRA Documents

A. - A.1. ...

2. All official records of the ADRA excluding materials containing information considered confidential, shall be open for inspection during regular office hours.

3. Any person desiring to examine official nonconfidential records shall be required to provide proper identification and sign a statement listing the records to be questioned and examined. Records which are stored in historical files or which have been authorized for off-site storage, may require the payment of costs for research and location.

4. Official records shall not be taken from the ADRA office without the express authorization of the executive director of the ADRA. Copies of records may be obtained upon written request and by paying a fee prescribed by the Division of Administration.

B. ...

1. The ADRA shall provide to each credentialed professional a certificate which lists the individual's name, the credential issued, date of initial certification, and certification number.

2. ...

3. Replacement certificates shall be issued when the request has been received and the cost of issuing the replacement certificate paid. Replacement certificates shall contain the same information as the original certificate.

4. Official certificates shall be signed by the executive director and be affixed with the official seal of the state of Louisiana.

B.5. - C. ...

1. Each year the ADRA shall make available a roster of all ADRA persons holding a credential or learning status issued by the ADRA. The ADRA may also make the roster available on its website.

2. The roster shall include the name, professional address, professional telephone number and credential(s) of each individual, and such other information as the individual may permit.

3. The ADRA shall make copies of the roster available upon formal request and payment of the cost incurred by the ADRA for providing the copy.

C.4. - D. ...

1. All communications, including but not limited to notices, are official and are considered served when signed by the executive director of the ADRA, or other authorized person, and mailed to the address of record. It is the responsibility of the individual to ensure that the mailing address maintained by the ADRA is current and to advise the ADRA immediately of any change of mailing address.

2. The receipt of applications, forms, notices, and other communications to the ADRA shall be considered received in the ADRA office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§505. Advice and Consultation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 7. Credentials for License/Certification/Registration

§701. Licensed Addiction Counselor (LAC)

A. The ADRA shall recognize as an LAC each candidate who possesses requirements set forth in R.S. 37:3387, in addition to the following:

1. provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision;

a. Education

i. A master's degree from a regionally accredited institution of higher education. The degree shall be in a human service or behavioral science discipline or such other discipline as the ADRA may deem appropriate. Official transcripts, including degree and date conferred, must be received by the ADRA office directly from the university.

ii. Any person seeking to be recognized as an LAC who possesses a master's degree in a discipline other than a human services or behavioral science discipline may apply to the ADRA for a degree substitution waiver. The ADRA may grant or deny the waiver on such terms, conditions, and requirements as are deemed appropriate and in the best interest of the public.

iii. Documentation that verifies the successful completion of a minimum of 300 education hours with a minimum of 180 hours specific to addictive disorders, a minimum of six hours of professional ethics, and the remaining hours in counseling education.

b. Direct clinical supervision

i. Documentation that verifies the completion of 300 hours of direct clinical supervision provided face-to-face with a Certified Clinical Supervisor (CCS) in the core competencies based on the 123 competencies in TAP 21. This supervision should take place at a rate of not less than one hour per week. This supervision must be documented and verified by the CCS providing the supervision.

c. Work experience under direct supervision

i. Documentation that verifies the successful completion of 2000 hours of supervised work experience in an agency or facility that regularly treats clients with diagnoses of addictive disorders.

ii. This work experience may not exceed 2000 hours per year.

iii. The supervision required herein must be attested to by a licensed mental health provider, CAC, RAC, or designated facility administrator.

iv. Unsupervised work experience will not be considered.

2. Examination

a. Provide documentation of professional competency in addictive disorder counseling by successfully completing the examination requirements established by the ADRA.

B. Renewal

1. For an LAC credential to be considered for renewal;

a. A completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. Include proof that within two years prior to the expiration date, the LAC has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE)

directly applicable to or related to addictive disorder counseling, which must include six hours in professional ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and email address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3A(3), (5) and (12), and R.S. 37:3387B, E, and F.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§703. Certified Addiction Counselor (CAC)

A. The ADRA shall recognize as a CAC each candidate who possesses requirements set forth in R.S. 37:3387.1, in addition to the following:

1. Provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision:

a. Education

i. possesses a bachelor degree from a regionally accredited institution of higher education. The degree shall be in a human service or behavioral science discipline or such other disciplines as the ADRA may deem appropriate. Official transcripts, including degree and date conferred, must be received by the ADRA office directly from the university.

ii. Any person seeking to be recognized as a CAC who possesses a bachelor degree in a discipline other than human services or behavioral science discipline may apply to the ADRA for a degree substitution waiver. The ADRA may grant or deny the waiver on such terms, conditions, and requirements as are deemed appropriate and in the best interest of the public.

iii. documentation that verifies the successful completion of a minimum of 300 education hours with a minimum of 180 hours specific to addictive disorders, a minimum of six hours of professional ethics, and the remaining hours in counseling education.

b. Direct clinical supervision

i. Documentation that verifies the completion of 300 hours of direct clinical supervision, provided face-to-face with a Certified Clinical Supervisor (CCS) in the core competencies based on the 123 competencies in TAP 21.

ii. This supervision should take place at a rate of not less than one hour per week.

iii. This supervision must be documented and verified by the CCS providing the supervision.

c. Work experience under direct supervision

i. documentation that verifies the successful completion of 4000 hours of supervised work experience in an agency or facility that regularly treats clients with diagnoses of addictive disorders.

ii. This work experience may not exceed 2000 hours per year.

iii. The supervision required herein must be attested to by a licensed mental health provider, CAC, RAC, or designated facility administrator.

iv. Unsupervised work experience will not be considered.

2. Examination

a. provide documentation of professional competency in addictive disorder counseling by successfully completing the examination requirements established by the ADRA.

B. Renewal

1. For a CAC credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date;

b. include proof that within two years prior to the expiration date, the CAC has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) directly applicable to or related to addictive disorder counseling, which must include six hours in professional ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3387.1(B) and (F) and R.S. 37:3388.4(A)(5) and (12), R.S. 3386.3A(5) and (12) and R.S. 37:3387.1(B) and (F).

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 40:1005 (May 2014), amended by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§705. Registered Addiction Counselor (RAC)

A. The ADRA shall recognize as an RAC each candidate who possesses requirements set forth in R.S. 37:3387.2, in addition to the following:

1. provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision:

a. Education

i. at least a high school diploma or its equivalent.

ii. documentation that verifies the successful completion of a minimum of 300 education hours with a minimum of 180 hours specific to addictive disorders, a minimum of six hours of professional ethics, and the remaining hours in counseling education.

b. Direct clinical supervision

i. documentation that verifies the completion of 300 hours of direct clinical supervision, provided face-to-face with a Certified Clinical Supervisor (CCS) in the core competencies based on the 123 competencies from TAP 21.

ii. This supervision should take place at a rate of not less than one hour per week.

iii. This supervision must be documented and verified by the CCS providing the supervision.

- c. Work experience under direct supervision
 - i. documentation that verifies the successful completion of 6000 hours of supervised work experience in an agency or facility that regularly treats clients with diagnoses of addictive disorders.
 - ii. This work experience may not exceed 2000 hours per year.
 - iii. The supervision required herein must be attested to by a licensed mental health provider, CAC, RAC, or designated facility administrator.
 - iv. Unsupervised work experience will not be considered.

2. Examination

- a. documentation of professional competency in addictive disorder counseling by successfully completing the examination requirements established by the ADRA.

B. Renewal

- 1. For an RAC credential to be considered for renewal:

- a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and
- b. include proof that within two years prior to expiration date, the RAC has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) directly applicable to or related to addictive disorder counseling, which must include six hours in professional ethics.

- 2. In addition, the renewal applicant must:

- a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.
- b. report any changes in sobriety status, including relapse and recovery dates.
- c. report any felony arrests and felony convictions.
- d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3387.2(B) and (F) and R.S. 37:3388.4(A)(5) and (12), and R.S. 37:3386.3A(7).

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:650 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 40:1005 (May 2014), amended by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§707. Counselor-In-Training (CIT)

- A. The ADRA shall recognize as a CIT each candidate who possesses requirements set forth in R.S. 37:3387.3, in addition to the following:

- 1. attest that they are actively pursuing a career as a licensed, certified, or registered addiction counselor.
- 2. has not violated any ADRA statute or rule and has not been subject to disciplinary action by any other credentialing board.
- 3. possesses at least a high school diploma or its equivalent.
- 4. documents the completion of 180 hours of education specific to addictive disorders.
- 5. obtains a Certified Clinical Supervisor (CCS), and in collaboration with the CCS, develops a learning plan that

includes the 123 competencies and competencies outlined in TAP 21.

- a. Progressive process in the learning plan must be documented by the CCS annually; and
- b. The CIT must meet face-to-face with the CCS at least one hour per week.

B. The ADRA shall develop CIT guidelines and CCS guidelines and shall post on the ADRA website. The guidelines shall be considered the minimum standards applicable to all CITs and CCSs who must regularly consult the website and review the guidelines to ensure familiarity and compliance with minimum standards.

C. CIT status is granted for a 12-month period. During the 12-month period, the CIT shall comply with the ADRA guidelines for CIT status and, if required, sign an agreement acknowledging and consenting to the provisions of the guidelines.

D. The CIT shall be allowed to maintain CIT status for an aggregate period not to exceed 72 months.

E. Scope of Work

- 1. CIT status does not authorize the CIT to engage in independent practice under any circumstances.
- 2. After the CIT has completed 300 hours of direct clinical supervision, the CIT may work in the following core functions only if a credentialed addiction professional is in the building or available by phone for consultation and supervision:

- a. Screening;
- b. Intake;
- c. Orientation;
- d. Client education; and

3. After the CIT has completed 300 hours of direct clinical supervision and documented a level of knowledge and competency as set forth in TAP 21, the CIT may work in the following core functions under the direct supervision of a credentialed addiction professional or licensed mental health professional (LMHP), which professional must be in the building or available by phone for consultation and supervision:

- a. assessment;
- b. treatment planning;
- c. counseling;
- d. referral;
- e. crisis intervention;
- f. report and record keeping;
- g. consultation; and
- h. case management.

F. Renewal

- 1. For a CIT to be considered for renewal:
 - a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and
 - b. include proof that within one year prior to the expiration date, the CIT has completed a minimum of 20 hours of education directly applicable to or related to addictive disorder counseling; and
 - c. include documentation of continued compliance of supervision by a CCS.
- 2. In addition, the renewal applicant must:
 - a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 39:2275 (August 2013), amended by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§709. Addiction Treatment Assistant (ATA)

A. The ADRA shall recognize as an ATA each candidate who possesses the requirements set forth in R.S. 37:3387.4 and who verifies the completion of 6 hours of professional ethics training.

B. Scope of work

1. The ATA shall serve in a supportive role within the clinical environment under the supervision of a licensed mental health provider, CAC, RAC, or designated facility administrator.

C. Renewal

1. For an ATA to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. include proof that within one year prior to the expiration date, the ATA has completed 6 hours of professional ethics training.

2. In addition, the renewal applicant:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005), amended by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§711. Certified Clinical Supervisor (CCS)

A. The ADRA shall recognize as a CCS each candidate who possesses requirements set forth in R.S. 37:3387.5, and who provide documentation of either:

1. a current and valid credential as a LAC, CAC or RAC; or

2. a current and valid mental health license with an addictive disorder specialty certification approved by the board.

B. Renewal

1. For a CCS credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. include proof that within two years prior to the expiration date, the CCS has completed a minimum of eight hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE)

directly applicable to clinical supervision and a minimum of six hours in professional ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§713. Certified Compulsive Gambling Counselor (CCGC)

A. The ADRA shall recognize as a CCGC each candidate who possesses requirements set forth in R.S. 37:3387.6.

B. Renewal

1. For a CCGC credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. include proof that within two years prior to the expiration date the CCGC has completed a minimum of eight hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) directly applicable to compulsive gambling and a minimum of six hours in professional ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4; and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§715. Licensed Prevention Professional (LPP)

A. The ADRA shall recognize as an LPP each candidate who possesses requirements set forth in R.S. 37:3387.10 D, and who:

1. provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision:

a. Education

i. a masters degree from a regionally accredited institution of higher education. Official transcripts, including degree and date conferred, must be received by the ADRA office directly from the university.

ii. documentation that verifies the successful completion of a minimum of 120 continuing education hours across all prevention domains, 90 hours must be prevention

specific, 24 hours must be addiction (alcohol or other drug) specific, and a minimum of six hours must be in prevention ethics.

b. Direct clinical supervision

i. documentation that verifies the completion of a 120-hour practicum with a Certified Prevention Supervisor (CPS) in the prevention domains with a minimum of ten hours in each domain. A list of the current prevention domains can be found in policy adopted by the ADRA.

c. Work experience under direct supervision

i. documentation that verifies successful completion of 2000 hours of Alcohol, Tobacco and Other Drug (ATOD) Prevention work experience across the domains.

ii. This work experience may not exceed 2000 hours per year.

iii. The supervision required herein must be provided by a licensed mental health provider, CPP, RPP or designated facility administrator.

iv. Unsupervised work experience will not be considered.

2. is not currently and has not had an addictive disorder and/or compulsive gambling disorder within two years prior to application.

3. signs a statement that the applicant has read and will abide by the Code of Ethics.

4. Examination

a. documentation of professional competency in prevention services by successful completion of the examination requirements established by the ADRA.

B. Renewal

1. For an LPP credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. include proof that within two years prior to the expiration date, the LPP has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) across the prevention domains, which must include six hours in prevention ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3386.3 A (7) and R.S. 37:3386.3 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§716. Certified Prevention Professional (CPP)

A. The ADRA shall recognize as a CPP each candidate who possesses requirements set forth in R.S. 37:3387.11, and who:

1. provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision:

a. Education

i. a bachelors degree from a regionally accredited institution of higher education. Official transcripts, including

degree and date conferred, must be received by the ADRA office directly from the university.

ii. documentation that verifies the successful completion of 120 total continuing education hours across all prevention domains, 90 hours must be prevention specific, 24 hours must be addiction (alcohol or other drug) specific, and with a minimum of six hours in prevention ethics.

b. Direct clinical supervision

i. documentation that verifies the completion of a 120-hour practicum with a Certified Prevention Supervisor (CPS) in the prevention domains with a minimum of 10 hours in each domain. A list of the current prevention domains can be found in policy adopted by the ADRA.

c. Work experience under direct supervision

i. documentation that verifies the successful completion of 4000 hours of Alcohol, Tobacco and Other Drug (ATOD) Prevention work experience across the domains.

ii. This work experience may not exceed 2000 hours per year.

iii. The supervision required herein must be provided by a licensed mental health provider, CPP, RPP or designated facility administrator.

iv. Unsupervised work experience will not be considered.

2. is not currently and has not had an addictive disorder and/or compulsive gambling disorder within two years prior to application.

3. signs a statement that the applicant has read and will abide by the Code of Ethics.

4. Examination

a. documentation of professional competency in prevention services by successful completion of the examination requirements established by the ADRA.

B. Renewal

1. For a CPP credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date; and

b. include proof that within two years prior to the expiration date, the CPP has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) across the prevention domains, which must include six hours in prevention ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3386.3 A (7) and R.S. 37:3386.3 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§717. Registered Prevention Professional (RPP)

A. The ADRA shall recognize as an RPP each candidate who possesses requirements set forth in R.S. 37:3387.12 D, in addition to the following:

1. provides evidence of having satisfied the following requirements in education, direct clinical supervision, and work experience under direct supervision:

a. Education

i. at least a high school diploma or its equivalent.
ii. documentation that verifies the successful completion of 120 continuing education hours across all prevention domains, 90 hours must be prevention specific, 24 hours must be addiction (alcohol or other drug) specific, and six hours in prevention ethics.

b. Direct clinical supervision

i. documentation that verifies the completion of a 120-hour practicum with a Certified Prevention Supervisor (CPS) in the prevention domains with a minimum of 10 hours in each domain. A list of the current prevention domains can be found in policy adopted by the ADRA.

c. Work experience under direct supervision

i. documentation that verifies successful completion of 6000 hours of Alcohol, Tobacco and Other Drug (ATOD) Prevention work experience across the domains.

ii. This work experience may not exceed 2000 hours per year.

iii. The supervision required herein must be provided by a licensed mental health provider, CPP, RPP or designated facility administrator.

iv. Unsupervised work experience will not be considered.

2. is not currently and has not had an addictive disorder and/or compulsive gambling disorder within two years prior to application.

3. signs a statement that the applicant has read and will abide by the Code of Ethics.

C. Examination

i. documentation of professional competency in prevention services by successfully completing the examination requirements established by the ADRA.

B. Renewal

1. For an RPP credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date;

b. include proof that within two years prior to the expiration date, the RPP has completed a minimum of 48 hours of education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) across the prevention domains, which must include six hours in prevention ethics.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3386.3 A(7) and R.S. 37:3386.3 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§719. Prevention Specialist-In-Training (PSIT)

A. ...

1. documents that he is actively pursuing a career as a LPP, CPP or RPP;

2. - 4. ...

5. does not now, and has not had, an addictive disorder and/or compulsive gambling disorder for a period of two years from the date of application;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony unless the applicant has applied for and been granted a waiver by the ADRA. The applicant shall sign a form prescribed by the ADRA authorizing the ADRA to obtain a criminal history or to conduct a criminal background check;

7. signs a statement that the applicant has read and will abide by the Code of Ethics; and

8. provide three letters of recommendation;

B. PSIT status is granted for a 12 month period, during which the PSIT shall comply with the ADRA guidelines for PSIT supervision;

1. The PSIT shall be allowed to maintain the PSIT status for an aggregate period not to exceed 72 months.

C. The ADRA shall develop PSIT supervision guidelines and post the guidelines on the ADRA website, which guidelines shall be considered the minimum standards applicable to all PSIT and PSIT supervisors.

D. A PSIT must work toward the requisite hours of work experience under the supervision of a CPS, licensed mental health professional (LMHP), LPP, CPP, or RPP to maintain PSIT status.

E. Renewal

1. For a PSIT to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed, prior to the expiration date;

b. include proof that within one year prior to the expiration date, the PSIT completed a minimum of 20 hours of education directly applicable to or related to the prevention domains; and

c. include documentation of the continued supervision by a CPS.

2. In addition, the renewal applicant must:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. Report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 37:3386.1 (14).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:653 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§720. Certified Prevention Supervisor (CPS)

A. The ADRA shall recognize as a CPS each candidate who possesses the requirements set forth in R.S. 37:3387.14 E, in addition to the following:

1. is a legal resident of the United States;

2. is not currently and has not had any addictive disorder and/or compulsive gambling disorder for a period of two years prior to the application;

3. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony unless the applicant has applied for and been granted a waiver by the ADRA;

4. signs a form prescribed by the ADRA authorizing the ADRA to obtain a criminal history or to conduct a criminal background check;

5. signs a statement that the applicant has read and will abide by the Code of Ethics;

6. documents a minimum of 10,000 hours of work experience in the field of prevention;

7. documents a minimum of 4,000 hours of work experience in a prevention supervisory position; and

8. provides evidence of the completion of a minimum of 30 hours in ADRA approved prevention supervision education.

B. Scope of supervision

1. An LPP recognized as a CPS may provide supervision for LPP, CPP, RPP, or PSIT; and

2. A CPP recognized as CPS may provide supervision for CPP, RPP, or PSIT.

C. Renewal

1. For a CPS credential to be considered for renewal:

a. a completed renewal application approved by the ADRA must be filed prior to the expiration date;

b. include proof that within two years prior to expiration date, the CPS has completed eight hours of supervision education from an approved educational provider (AEP) or an approved institute of higher education (AIHE) related to the prevention domains and six hours in prevention ethics; and

c. include proof of a current and valid LPP or CPP credential.

2. In addition, the renewal will require the applicant to:

a. report any violations of the ADRA statute and rules and disciplinary action by any other credentialing board.

b. report any changes in sobriety status, including relapse and recovery dates.

c. report any felony arrests and felony convictions.

d. report any changes in contact information, including name, address, phone number, and e-mail address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:37:3386.3 A(12) and R.S. 37:3388.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§721. Practice credential by reciprocity from other states

A. The ADRA may issue a practice credential or specialty certification, without examination in this state to any person who meets the following requirements:

1. if the applicant is applying from an IC&RC jurisdiction, the applicant may follow the IC&RC reciprocity process;

2. if the applicant is not applying from an IC&RC jurisdiction, the applicant may submit an application and satisfy the following:

a. possess a valid credential to practice as an addiction counselor or prevention professional in any other state;

b. document and verify that the practice credential or specialty certification from the other state is based upon an examination and other requirements substantially equivalent to the requirements for the same practice in Louisiana; or

3. The applicant may be licensed by endorsement in accordance with the provisions of the Welcome Home Act, R.S. 37:51-59.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3383.4 A(12), R.S. 37:3390.2 and R.S. 37:51-59.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§723. Application and Examination

A. Application

1. Eligibility requirements and applications for a practice credential, specialty certification, or learning status shall be maintained on the ADRA website.

2. An application remains valid for one year.

3. The application shall contain forms for the applicant to provide information and documentation attesting to the completion of the requirements for a practice credential, specialty certification, or learning status.

4. Each application shall require such information the ADRA deems necessary and appropriate.

B. Examination

1. An application will be reviewed for test eligibility after the submitted application complete and all required information and forms are received by the ADRA.

2. Upon completion and approval of the application, the applicant will be deemed eligible to take the appropriate examination.

3. The ADRA shall determine the scope of the examinations which satisfy the ADRA requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 37:3386 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§725. Renewal

A. It is the responsibility of the individual to timely renew a practice credential, specialty certifications, and learning status.

B. The ADRA shall renew a practice credential, specialty certification, or learning status only upon receipt of completed application for renewal and satisfaction of all renewal requirements. Upon renewal, the ADRA shall issue a new wallet card with date of renewal and new expiration date.

C. Applications for renewal which do not satisfy the renewal requirements will be deemed deficient. The individual will be notified and allowed to correct the deficiency. If a deficient renewal application is corrected after the expiration date, payment of the late fee is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, and R.S. 37:3386.3 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§727. Continuing Professional Education for Renewal

A. In-service training conducted by an employer does not serve as continuing education for renewal.

B. Continuing education hours must be approved by the ADRA.

C. If unapproved continuing education hours are submitted, renewal applicant must document that the education meets standards equivalent of the ADRA. Equivalence may be demonstrated by providing the course description and the qualifications of instructors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 A(8), 10) and (12), and R.S. 37:3386.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005), amended Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§729. Failure to Timely Renew

A. A practice credential, specialty certification, or learning status becomes suspended not renewed prior to the expiration date shall be deemed suspended until renewed or reinstated.

B. Applications for renewal received within 30 days after the expiration date and which satisfy all requirements for renewal will require payment of both a renewal fee and a late fee and will be effective on the expiration date.

C. Suspended practice credentials and specialty certifications must be surrendered to the ADRA by the thirty-first day after the expiration date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3390 B and R.S. 37:3386.3 A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§731. Reinstatement

A. An ADRA practice credential or specialty certification suspended for nonrenewal may be reinstated within one year of the expiration date, provided:

1. a satisfactory application for renewal is submitted within a year of the date of the expiration, together with an explanation of the failure to renew and a written request for reinstatement.

2. for a practice credential the individual must document the completion of 48 hours of education required for timely renewal, plus an additional 12 hours of education if the application is received within six months of the expiration date, or an additional 24 hours of education if the application is received more than six months after the expiration date;

3. for a specialty certification the individual must document the completion of 14 hours of education required for timely renewal plus an additional four hours of education if the application is received within six months of the expiration date, or an additional eight hours of education if the application is received more than six months after the expiration date; and

4. CIT, PSIT, or ATA status must be timely renewed and are not eligible for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4; and R.S. 37:3386.3A(12).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 9. Disciplinary Procedures

§901. Causes for Administrative Action

A. The ADRA after due notice and hearing as set forth herein and in the applicable provisions of the Administrative Procedure Act (APA), R.S. 49:950 et seq., may deny, revoke or suspend any practice credential, specialty certification, learning status or other recognition issued or applied for, or otherwise discipline an applicant for or holder of any practice credential, specialty certification, learning status or other recognition, upon finding that the person has violated the Addictive Disorders Practice Act, any rules or regulations promulgated by the ADRA, the Code of Ethics, or a prior final decision or a consent order involving the holder or applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4(3) and La. R.S. 37:3390.3(B) and La. R.S. 37:3389(G), and R.S. 37:3386.3A(3), (5), and (12), and R.S. 37:3390.3B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1022 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§903. Disciplinary Process and Procedures

A. These rules and regulations are designed to supplement and effectuate the applicable provisions of the APA regarding the disciplinary process and procedures and are not intended to amend or repeal the provisions of the APA. To the extent any of these rules or regulations are in conflict therewith, the provisions of the APA shall govern.

B. ...

C. The purpose of a disciplinary hearing is to determine contested issues of law and fact; whether the person committed certain acts or omissions and, if so, whether those acts or omissions violate the Addictive Disorders Practice Act, a rule or regulation of the ADRA, the Code of Ethics, a prior final decision or a consent orders involving the holder or applicant, and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3A(3), (5), and (12) and R.S. 37:3390.3B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1022 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§905. Initiation of Complaints

A. ...

B. All complaints shall be signed and in writing. Anonymous complaints will not be considered.

C. The ADRA executive director and the board member assigned as complaint investigator shall decide whether to investigate the complaint.

1. If decision is to not investigate, a letter of denial is sent both to the complainant and the person accused of wrongdoing.

D. If the decision is to investigate, the person shall be notified that allegations have been made that the individual may have committed a breach of statute, rule or regulation, the Code of Ethics, and/or a prior final decisions or consent order; and that the individual must respond in writing to the ADRA within a specified time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A (3), (5), and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1022 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§908. Decision to Initiate Formal Complaint

A. - A.2. ...

3. the person's response to the ADRA letter or investigation fails to provide a satisfactory explanation, or fails to convince that no action is necessary; or

A.4. ...

B. Prior to instituting a formal complaint, the ADRA must give notice by mail or electronic means to the individual of facts or conduct which warrant the intended action, and the individual is given an opportunity to show compliance with all lawful requirements for retention of the practice credential, specialty certification, or learning status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4(3) and La. R.S. 37:3390.3(B), La. R.S. 37:3389(G), R.S. 37:3386.3 A(3), (5), (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1023 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§909. Sworn Complaint and Notification of Hearing

A. A sworn complaint, fixing a time and place for hearing, is filed by the executive director of the ADRA, charging the violation of one or more of the provisions of the Addictive Disorders Practice Act, the rules and regulations promulgated thereto, the Code of Ethics, or a prior final decision or consent orders involving the person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4(3) and La. R.S. 37:3390.3(B) and La. R.S. 37:3389(G).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1023 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§911. Formal Hearing **[Formerly §909]**

A. The ADRA has the authority, granted by R.S. 37:3390.3 et seq., to bring administrative proceedings against persons holding or applying for any practice credential, specialty certification, learning status or other recognition issued by ADRA.

B. ...

C. Except for good cause shown, motions requesting a continuance of a hearing shall be in writing and shall be filed at least five days prior to the hearing date. The motion shall state the reason for the request. The executive director shall grant or deny the request in writing, within 24 hours. If the request is denied, written reasons for the denial shall be provided.

D. ...

E. Testimony shall be received under oath administered by the presiding hearing officer, the executive director, or other staff or board member designated by the hearing officer.

F. Witnesses may be directly examined and cross-examined and questioned during an administrative hearing by board members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4(3) and La. R.S. 37:3390.3(B) and La. R.S. 37:3389(G), R.S. 37:3386.3 A(3), (5) and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:657 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1023 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§913. Decision

A. ...

B. The ADRA decision and order shall be rendered at the hearing or taken under advisement and later rendered; and shall be served personally or domiciliary at the respondent's last known address or regular, registered, certified, or electronic mail, or by a diligent attempt.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4(3) and R.S. 37:3390.3(B) and R.S. 37:3389(G), R.S. 37:3386.3 A(3), (5), and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1024 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§921. Refusal to Respond or Cooperate with the ADRA

[Formerly §915]

A. The application for and acceptance of a practice credential, specialty certification, or learning status issued by the ADRA obligates the applicant holder to respond to any request for information, or otherwise cooperate with any investigation conducted by the ADRA.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(3), (5), and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1025 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§923. Judicial Review of Adjudication

A. Any person whose practice credential, specialty certification, learning status, or application, has been denied, revoked or suspended or who has been otherwise disciplined by the ADRA shall have the right to have the proceedings of the ADRA reviewed by the Nineteenth Judicial District Court, provided that such petition for judicial review is filed within 30 days after notice of the decision of the ADRA. The ADRA decision is enforceable in the interim unless the court orders otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(3), (5) and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005), amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1025 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§925. Appeal
[Formerly §919]

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the APA, this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(3), (5) and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005), repromulgated by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1025 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§927. Emergency Action
[Formerly §921]

A. If the executive director of the ADRA finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in an order, an interim suspension of a practice credential, specialty certification or learning status, may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and a formal hearing held, after due notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(3), (5), and (12) and R.S. 37:3390.3 B.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005); amended by the Department of Health and Hospitals, Addictive Disorder Regulatory Authority, LR 38:1025 (April 2012), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 11. Declaratory Statements

§1101. Procedure

A. The ADRA may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Addictive Disorders Practice Act, R.S. 37:3386 et seq., the rules and regulations promulgated by the ADRA or the Code of Ethics.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(12) and R.S. 49:977.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 13. Impaired Professionals Program

§1301. Program

A. The ADRA shall develop policies and procedures for the operation of an impaired professional program which shall include provision for the identification and rehabilitation of any individual over whom the ADRA has

authority pursuant to the provisions of the Louisiana Addictive Disorders Act whose quality of service is impaired or thought to be impaired due to mental or physical conditions. The policies and procedures shall be posted on the ADRA website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4, R.S. 37:3386.3 A(12) and R.S. 37:3390.3E.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 15. Code of Ethics

§1501. Professional Representation

A. A professional holding any ADRA practice credential, specialty certification, or learning status shall not:

1. misrepresent either directly or by implication any professional qualification, associations, or affiliations;
2. misrepresent any agency or organization by presenting it as having attributes which it does not possess; or
3. make claims about or encourage belief regarding the efficacy of any service that goes beyond those which the professional would be willing to subject to professional scrutiny.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1503. Relationships with Clients

A. A professional holding any ADRA practice credential, specialty certification, or learning status:

1. shall make known to a prospective client or person served the important aspects of the professional relationship including fees and arrangements for payment which might affect the decision of the client or person served to enter the relationship;
2. shall inform the client or person served of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the professional relationship is established;
3. shall provide in-person and telehealth services only in the context of a professional relationship and not by means of newspaper or magazine articles, radio or television programs, mail, social media, or means of a similar nature;
4. shall not give or receive a commission or rebate or other form of remuneration for the referral of clients or persons served for professional services;
5. shall not use relationships with clients or persons served to promote, commercial enterprises of any kind, whether for personal gain or the profit of an agency;
6. shall not, under normal circumstances, be involved in the counseling of personal family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship;
7. shall not, under normal circumstances, offer professional services to a person concurrently receiving assistance from another professional except with knowledge of the other professional;

8. shall take reasonable action to inform responsible authorities and appropriate individuals in cases where the condition of a client or person served indicates a clear and imminent danger to self or others;

9. shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the professional setting;

10. shall not engage in activities that seek to meet the professional personal needs at the expense of a client or person served;

11. shall not engage in sexual intimacies with any client or person served during services provided or for five years after the last professional contact;

12. shall terminate a professional relationship when it is reasonably clear during services that the client or person served during services is not benefiting, and refer the client or person served to an appropriate qualified professional; and

13. shall ensure that any form of electronic communication and network used for sharing confidential information or telehealth services are secure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1505. Relationships with the ADRA

A. A professional holding any ADRA practice credential, specialty certification, or learning status:

1. Shall have the responsibility of reporting to the ADRA any knowledge of unethical conduct, unethical practice, alleged misrepresentations or violations of ADRA statute or rules.

2. Shall notify the ADRA within 30 days of:

a. any violation of the ADRA statute, rules, or any disciplinary action taken by another occupational licensing board;

b. any changes in sobriety status, specifically relapse and recovery dates;

c. any changes in legal status, including felony arrests and felony convictions; and

d. any changes in contact information, including name, address, phone number, or e-mail address.

B. The ADRA shall consider the failure of a person to respond to a request for information or other correspondence as unprofessional conduct and grounds for disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1507. Advertising and Announcements

A. Any advertisement or announcement of services by a professional holding any ADRA practice credential, specialty certification, or learning status shall not contain information which is false, inaccurate, misleading, or deceptive information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1511. Confidentiality

A. A professional holding any ADRA practice credential, specialty certification or learning status shall not disclose any information acquired from a client or person served except:

1. with the written consent of the client or person served, or in the case of death or disability, with the written consent of the personal representative of the client or person served; or

2. when a person files a complaint with the ADRA against a professional holding any ADRA practice credential, specialty certification, or status; or

3. as otherwise provided by state or federal law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 17. ADRA Approved Education Providers

§1701. Counselor in Training (CIT) or Prevention

Specialist in Training (PSIT)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1703. Certified Clinical Supervisor or Qualified

Professional Supervisor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1705. Approved Training Institution

A. The ADRA shall develop policies and procedures for the approval and operation of an approved training institution (ATI).

B. Approved training institution (ATI) status is granted to the nearest renewal date after the request for ATI status is approved, provided a completed application is submitted to and approved by the ADRA.

C. To maintain ADRA approval, training institutions must adhere to the supervision guidelines established by the ADRA. The ADRA may inspect and review such institutions during normal hours of operation.

D. Renewal

1. ATI status shall be renewed annually, provided:

a. a completed renewal application is received prior to the expiration date; and

b. the ATI shows continued compliance with all applicable ADRA guidelines, policies, and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1707. Approved Educational Provider

A. The ADRA shall develop policies and procedures for the approval and operation of an approved educational provider.

B. The designation of approved educational provider (AEP) status is granted to the nearest renewal date after the request for AEP status is approved, provided a completed application is submitted to and approved by the ADRA.

C. Registration as an AEP status shall be renewed annually:

1. a completed renewal application is received prior to the expiration date; and

2. the AEP shows continued compliance with all applicable ADRA guidelines, policies and procedures.

D. An organization may be granted approval as a single course provider provided a completed application is submitted to and approved by the ADRA prior to offering the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1709. Approved Institution of Higher Education (AIHE)

A. The ADRA shall develop policies and procedures for the approval and operation of an approved institution of higher education (AIHE).

B. The designation of AIHE status is granted to the nearest renewal date one year after the request for AIHE status is approved provided a completed application is submitted to and approved by the ADRA.

C. Registration as an AIHE status shall be renewed annually provided:

1. a completed renewal application is received prior to the expiration date; and

2. the AIHE shows continued compliance with all applicable ADRA guidelines, policies, and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4 and R.S. 37:3386.3 A(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:663 (March 2005), amended by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 19. Miscellaneous

§1901. Injunction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1903. Persons and Practices Not Affected

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

§1905. Prohibited Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005), repealed by Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 20. Meetings

§2001. Conduct of Meetings

A. The ADRA is obligated to provide for participation in ADRA open meetings via teleconference or video conference or, if unavailable, by viable alternative methods on an individualized basis for people with disabilities.

1. People with disabilities may be any of the following:

a. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);

b. a designated caregiver of such a person; or

c. a participant member of the ADRA board.

2. The ADRA shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the board representative to whom a disability accommodation may be submitted.

B. The designated representative shall provide the requestor with an accommodation, including the teleconference, video conference link, or alternative method for participation via electronic or alternative means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

C. Member participation via electronic or alternative means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14 E (1).

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Chapter 21. Telehealth

§2101. Telehealth Practice in Louisiana by Licensed, Certified or Registered Addiction Counselors, Licensed, Certified or Registered Prevention Professionals, or Certified Compulsive Gambling Counselors

A. Those licensed by the ADRA as either a licensed, certified or registered addiction counselor, or a licensed, certified or registered prevention professional, or a certified compulsive gambling counselor may render services to a client or person served using telehealth as defined in and as authorized by the Louisiana Telehealth Access Act, R.S. 40:1223.1 through R.S. 40:1223.5.

B. The client or person served must be located in the state of Louisiana at the time the telehealth interaction occurs, and the licensed, certified or registered professional must be licensed as either a licensed, certified or registered addiction counselor, or a licensed, certified or registered prevention professional or a certified compulsive gambling counselor by the ADRA.

C. All laws regarding the confidentiality of client and person served information and the rights of the client or person served to such information created during a telehealth interaction apply as if the services were rendered in person.

D. The licensed, certified or registered addiction counselor, or licensed, certified or registered prevention professional, or certified compulsive gambling counselor providing services through means of telehealth is bound to exercise the same standard of care as is required were the services rendered in person.

E. Licensing or registration of out-of-state providers possessing either a license, certification or registration as either an addiction counselor or a prevention professional, or certification as a gambling counselor may provide services for which license, certification or registration is required by the ADRA to clients or persons served in Louisiana provided the following conditions are met:

1. The individual providing telehealth services to the client or person served in Louisiana must hold a license, certification or registration from the state in which the individual providing services is located at the time the telehealth interaction occurs which license, certification or registration is in the judgment of the ADRA, comparable to the license, certification or registration requirements of the state of Louisiana for services rendered in person in the state of Louisiana.

2. The out-of-state provider must possess an unrestricted and unencumbered license, certificate or registration in good standing in order to perform the service for which this state requires a comparable license, registration or certificate, in the state in which the out of state provider is located when the services are provided.

3. The out-of-state licensee, registrant or certificate holder must apply for and obtain an out-of-state provider telehealth license, certification or registration to practice telehealth in Louisiana as either a licensed, certified or registered addiction counselor, or a licensed, certified or registered prevention professional, or a certified compulsive gambling counselor; and must pay an application fee of \$250 and an annual renewal fee of \$100.

4. Should the out-of-state provider telehealth license, certification or registration be granted by the ADRA to an out of state licensee, registrant or certificate holder, the out of state telehealth licensee, registrant or certificate holder is bound to follow all statutes, rules and regulations applicable to the comparable Louisiana licensee, registrant or certificate holder.

F. Consultation by a Louisiana licensed, certified or registered addiction counselor, or a Louisiana licensed, certified or registered prevention professional, or a Louisiana certified compulsive gambling counselor with an

out of state peer professional may occur by telehealth means without need for the out of state peer professional to hold a Louisiana out-of-state provider telehealth license issued by this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3386.3 B (3) and R.S. 40:1223.4 A.

HISTORICAL NOTE: Promulgated by the Department of Health, Addictive Disorder Regulatory Authority, LR 51:

Family Impact Statement

1. What effect will this proposed Rule have on the stability of the family? The proposed Rule will not affect the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? The proposed Rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? This proposed Rule will not affect the family earnings or family budget.

5. What effect will this have on the behavior and personal responsibility of children? This proposed Rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the function must be performed by the entity holding the meeting.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of 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 no increase on direct or indirect cost. The proposed Rule will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments relative to the proposed rules until 4:30 p.m., October 10, 2025 to Lauren McNeal, Addictive Disorder Regulatory Authority, 12401 Bricksome Avenue, Suite B, Baton Rouge, LA 70816.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Substance Abuse Counselors**

Licensure Examination
(LAC 46:XXXIII.1709, 1711, and 1713)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Addictive Disorder Regulatory Authority (ADRA) is approximately \$10,000 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the Addictive Disorder Regulatory Authority (ADRA) will collect an additional \$3,600 in the first fiscal year, \$1,800 in the second fiscal year, and \$3,600 in the third fiscal year from applications and renewals for licensed prevention professionals, certified prevention professionals, registered prevention professionals, and certified prevention supervisors. In addition, ADRA may collect \$500 in the first fiscal year, \$450 in the second fiscal year, and \$450 in the third fiscal year from applications and renewals for out-of-state telehealth provider licenses. These amounts represent modest increases in self-generated revenue for the agency, as the fees collected are retained by ADRA to support its regulatory activities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Applicants seeking licensure or renewal as licensed prevention professionals, certified prevention professionals, registered prevention professionals, or certified prevention supervisors will incur costs associated with application and renewal fees as set forth in the proposed rules. Out-of-state telehealth providers seeking licensure to serve Louisiana clients will also be responsible for application and renewal fees. While these represent direct costs to applicants, the rule changes also provide benefits by establishing clear credentialing standards, expanding recognition of prevention professionals, and authorizing telehealth practice to increase access to services. These changes may improve professional mobility, provide additional employment opportunities, and enhance service delivery options for individuals and communities affected by addictive disorders.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment. However, the creation of new credentials for licensed, certified, and registered prevention professionals, as well as certified prevention supervisors, may support employment opportunities within the prevention field by clarifying credentialing pathways and recognizing additional professional roles. Additionally, authorizing out-of-state providers to obtain telehealth licenses to practice in Louisiana could expand service availability and possibly increase competition by allowing more providers to participate in the Louisiana market.

Lauren McNeal
Executive Director
2509#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

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.1709, 1711, and 1713.

The Board of Dentistry is updating licensure examination rules to align with current practice. LAC 46:XXXIII.1709, Examination of Dentists, is being amended to clarify that the Board now only accepts the American Board of Dental Examiners (ADEX) exam for initial licensure by examination for dentists. LAC 46:XXXIII.1711, Examination of Dental Hygienists, is amended to specify that the Board now only accepts the ADEX exam for initial licensure by examination for dental hygienists. LAC 46:XXXIII.1713, Board Approved Regional or National Independent Third Party Clinical Examinations, is being repealed, as it is no longer necessary given that ADEX is the sole accepted examination moving forward.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 17. Licensure Examination

§1709. Examination of Dentists

A. - B.2. ...

C. Examination scores are valid for initial licensure for five years following the candidate's successful completion of an accepted licensing examination. The examination accepted by the Board of Dentistry for initial licensure by examination is the American Board of Dental Examiners (ADEX) dental examination.

D. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:2513 (December 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1959 (August 2012), LR 39:86 (January 2013), LR 39:1282 (May 2013), LR 40:783 (April 2014), amended by the Board of Dentistry, LR 42:1622 (October 2016), amended by the Department of Health, Board of Dentistry, LR 44:48 (January 2018), LR 49:1383 (August 2023), LR 51:788 (June 2025), LR 51:

§1711. Examination of Dental Hygienists

A. - B.2. ...

C. Examination scores are valid for initial licensure for three years following the candidate's successful completion of an accepted licensing examination. The examination accepted by the Louisiana state Board of Dentistry for initial licensure by examination is the American Board of Dental Examiners (ADEX) dental hygiene examination.

D. - F. ...

Arthur Hickham, Jr.
Executive Director

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:1779 (August 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1960 (August 2012). amended by the Department of Health, Board of Dentistry, LR 42:1662 (October 2016), amended by the Department of Health, Board of Dentistry, LR 44:48 (January 2018), LR 51:788 (June 2025), LR 51:

§1713. Board Approved Regional or National Independent Third Party Clinical Examinations

Repealed.

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 36:63 (January 2010), amended LR 36:2039 (September 2010), repealed by the Department of Health, Board of Dentistry, LR 51:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

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 Comments

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 by 4:30 p.m. on October 10, 2025. 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 by 4:30 p.m. on October 10, 2025.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Licensure Examination

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana State Board of Dentistry (LSBD) is approximately \$500 in FY 26 for the notice and rule publication in the *Louisiana Register*. The proposed rule change updates licensure requirements to align with current practices.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups due to the rule proposed for initial adoption.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Arthur Hickham
Executive Director
2509#026

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Managed Care Healthy Louisiana
Hospital and Practitioner Directed Payments
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing proposes to amend 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 proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing Medicaid managed care organizations (MCOs) to allow practitioner and practitioner groups to participate in directed payments, in accordance with the preprint approved by Centers for Medicare and Medicaid Services (CMS). This allows practitioners under managed care plan contracts to receive directed payments and be included in the calculations for those payments.

The proposed Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

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 and Practitioner Directed Payments

1. Subject to written approval by the Centers for Medicare and Medicaid Services (CMS), the Louisiana Department of Health (LDH) shall provide directed payments to qualifying hospitals and practitioner/groups. Practitioners include physicians, physician assistants, certified registered nurse practitioners, and certified nurse anesthetists, as well practitioner groups. These entities must participate in Healthy Louisiana Medicaid managed care program. All directed payments shall be made in accordance with the applicable 42 CFR §438.6(c) preprint(s) approved by CMS, as well as relevant federal and departmental regulations.

2. Qualifying Hospital or Practitioner—one 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 42 CFR §438.6(c) preprint approved by CMS and departmental regulations;

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 42 CFR §438.6(c) preprint approved by CMS and departmental regulations; or

c. an in-state practitioner for professional services, primary care services and specialty physician services that meet the criteria specified in the applicable 42 CFR §438.6(c) preprint approved by CMS and the departmental regulations.

3. The department shall assign qualifying hospitals or practitioners to provider classes based upon criteria specified in the applicable 42 CFR §438.6(c) preprint(s) approved by CMS, in accordance with departmental regulations.

a. Qualifying hospitals or practitioners 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 42 CFR §438.6(c) preprint(s) approved by CMS, in accordance with departmental regulations.

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

b. The department reserves the right to discontinue the interim directed payments to any hospital or practitioner whose projected recoupment due to shifts in utilization is greater than 50 percent of their estimated interim directed payments or any hospital or practitioner who discontinues

operations during or prior to the directed payment contract period.

5. ...

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

6. In accordance with the applicable 42 CFR §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 of hospital interim payments as specified in the applicable 42 CFR §438.6(c) preprint approved by CMS and departmental regulations.

b. LDH shall reconcile the interim payment for practitioners as specified in the applicable 42 CFR §438.6(c) preprint approved by CMS and departmental regulations.

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

c. Qualified hospitals or practitioners are strongly encouraged to submit claims as quickly as possible.

7. If a qualifying hospital or practitioner that is subject to a reconciliation or adjustment will not be participating in a directed payment arrangement in the future, the qualified hospital or practitioner shall pay all amounts owed to LDH or the MCO, if any, within 30 calendar days' notice of the amount owed, in accordance with departmental regulations.

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

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 49:264 (February 2023), amended LR 49:1566 (September 2023), LR 50:1649 (November 2024), LR 51:

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 Impact

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 includes practitioners in directed payments.

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, but may improve the provider's ability to provide the same level of service as described in HCR 170 since practitioners will now be included in directed payments.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is October 20, 2025.

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 October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 30, 2025 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 October 10, 2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Managed Care Healthy Louisiana Hospital and Practitioner Directed Payments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL 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 25-26. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing Medicaid Managed Care Organizations (MCOs) to allow practitioner and practitioner groups to participate in directed payments, in accordance with the preprint approved by Centers for Medicare and Medicaid Services (CMS). This allows practitioners under managed care plan contracts to receive directed payments and be included in the calculations for those payments.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no impact on state or local governmental revenue collections for FY 25-26. It is anticipated that \$432 will be collected in FY 25-26 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing Medicaid MCOs to allow practitioner and practitioner groups to participate in directed payments, in accordance with the preprint approved by CMS. Implementation of this rule is anticipated to have no cost or economic benefit to providers or small businesses in FY 25-26, FY 26-27, or FY 27-28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2509#043

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Medical Transportation Program
Non-Emergency Medical Transportation
(LAC 50:XXVII.501, 503, 505, 517, 519, and 523)

Editor's Note: This Notice of Intent is being repromulgated to clarify coverage and consolidate citations in an effort to enhance readability. The original Notice of Intent can be viewed in the August, 20, 2025, *Louisiana Register* on pages 1241-1243.

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXVII.Chapter 5 and adopt LAC 50:XXVII.519 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing non-emergency medical transportation to allow an additional category of transportation services. Act 677 of the 2024 Regular Session of the Louisiana Legislature authorized the department to establish provisions for transportation network companies (TNC) to provide non-emergency medical transportation through the Medicaid program. The proposed Rule adds TNC into the brokered transportation networks

used in managed care, fee-for-service, and existing programs. This will be a positive addition for beneficiaries, as these providers can be utilized to complete trips that traditional providers are unable to fulfill.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Overview

A. ...

1. *Traditional Providers*—non-profit and for-profit providers who are not Transportation Network Companies.

2. *Non-Profit Providers*—those providers who are operated by or affiliated with a public organization such as state, federal, parish or city entities, community action agencies, or parish Councils on Aging. If a provider qualifies as a non-profit entity according to Internal Revenue Service regulations, they may only enroll as non-profit providers.

3. *For-Profit Providers*—corporations, limited liability companies, partnerships, or sole proprietors. For-profit providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

1. - 2. ...

3. the beneficiary may utilize the elevated level of care (ELOC) transportation services, often referred to as door through door transportation, which provides assistance beyond the capacity of the beneficiary. ELOC is a higher level of care for beneficiaries with mobility limitations requiring assistance when using a wheelchair.

C. - C.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1638 (November 2021), amended LR 50:1471 (October 2024), LR 51:

§503. Prior Approval and Scheduling

A. - A.2. ...

B. Elevated level of care wheelchair services require verification of medical necessity through an additional prior approval.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 50:1471 (October 2024), LR 51:

§505. Requirements for Coverage

A. Payment shall only be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department or its designee and considered the beneficiary's choice of transportation, the level of service required to safely transport the beneficiary (e.g., ambulatory, wheelchair, transfer), and the following hierarchy:

1. public transit;

2. ...

3. traditional providers (for-profit and non-profit) who are enrolled in the Medicaid Program; and

4. transportation network companies (TNCs) who are enrolled in the Medicaid Program.

B. Beneficiaries shall be allowed a choice of transportation services, with the exception of TNCs, as long as it remains the least costly means of transportation.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1471 (October 2024), LR 51:

Subchapter C. Provider Responsibilities

§517. Traditional Provider Requirements

A. All traditional providers must comply with all applicable federal, state, and local laws and regulations, including, but not limited to, those pertaining to enrollment and participation in the Medicaid Program.

B. NEMT traditional providers shall have a minimum automobile split limit liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy or a combined single limit automobile coverage at a minimum of \$300,000.

1. The liability policy shall cover:

a. any autos; or

b. owned autos, hired autos, and non-owned autos.

2. - 3. ...

C. As a condition of reimbursement for transporting Medicaid beneficiaries to and/or from healthcare services, gas reimbursement providers must maintain a current valid vehicle registration, the state minimum automobile liability insurance coverage, and a current valid driver's license. Proof of compliance with these requirements must be submitted to the department or its designee during the enrollment process. Gas reimbursement providers are allowed to transport up to five specified Medicaid beneficiaries or all members of one household across all contracted managed care organizations. The provider may not reside at the same physical address as the beneficiary being transported. Individuals transporting more than five Medicaid beneficiaries or all members of one household shall be considered traditional providers and shall be enrolled as such and comply with all for-profit provider requirements.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1472 (October 2024), LR 51:

§519. Transportation Network Company

Requirements

A. All TNCs must comply with applicable federal requirements.

B. No driver shall provide NEMT services to a beneficiary through a TNC prior to the completion of a criminal background check that comports with the requirement for such background checks provided R.S.40:1203.1 et seq. or 48:2199.

C. Prior to facilitating NEMT services for Medicaid beneficiaries, a TNC shall be under contract with either:

1. an MCO as defined in 42 CFR 438.2, or its subcontracted transportation broker;

2. the department, or its subcontracted transportation broker.

D. TNCs, drivers, and vehicles facilitating or providing non-emergency medical transportation services shall be governed exclusively by R.S. 48:2191, et seq., and R.S. 40:1257.5 and rules promulgated thereunder.

E. Aside from city and parish non-emergency medical transportation program rules, the provisions of R.S. 48:2205 shall apply to the regulation of companies, drivers, and vehicles facilitating or providing NEMT services as authorized in R.S. 40:1257.5.

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 51:

Subchapter D. Reimbursement

§523. General Provisions

A. - C. ...

D. Reimbursement for NEMT services provided by traditional providers, gas reimbursement providers, public transit, or TNCs shall only be reimbursed if scheduled by a contracted transportation broker.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 50:1472 (October 2024), LR 51:

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 an impact on small businesses, since this proposed Rule allows transportation network companies to provide non-emergency medical transportation.

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 a positive impact on the staffing level requirements or qualifications required to provide the same level of service since it allows transportation network companies to provide

non-emergency medical transportation, 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 Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is September 19, 2025.

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 September 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 25, 2025 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 September 19, 2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medical Transportation Program Non-Emergency Medical Transportation

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 25-26. In FY 25-26 \$1,080 (\$540 SGF and \$540 FED) will be expended for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule adds the category of Transportation Network Companies into the brokered transportation networks used in managed care, fee-for-service, and existing programs as an additional category of non-emergency medical transportation. The number of trips required by Medicaid recipients is expected to remain the same, but they will have more options for receiving transportation services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 25-26. In FY 25-26, \$540 will be collected 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule adds the category of Transportation Network Companies into the brokered transportation networks used in managed care, fee-for-service, and existing programs as an additional category of non-emergency medical

transportation. The number of trips required by Medicaid recipients is expected to remain the same, but they will have more options for receiving transportation services. This is expected to have a positive impact on beneficiaries, as these providers can be utilized to complete trips that traditional providers are unable to fulfill in the case of vehicle malfunctions or other unforeseen emergencies. It is anticipated this proposed rule will have no fiscal impact in FY 25-26, FY 26-27, and FY 27-28 since the number of services provided and the fees for those services are not changing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2509#087

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Targeted Case Management
Ventilator Care Coordination
(LAC 50:XV.10101, 10701, 11101, 11103)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XV.10101 and 10701 and adopt LAC 50:XV.11101 and 11103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing targeted case management in order to add ventilator care coordination as a service. This proposed Rule establishes the requirements for beneficiaries to receive these services, the requirements for Medicaid-participating hospitals and providers, and clarifies the reimbursement rate for targeted case management services. This proposed Rule also repeals language related to the Children's Hospital Ventilator Assisted Care program, since the new service replaces that program.

The proposed Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 101. General Provisions

§10101. Program Description

A. - D.2....

E. Repealed.

F. ...

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 Human Resources, Office of Family Security, LR 12:834 (December 1986), amended by the Department of Health

and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:648 (May 1993), LR 23:732 (June 1997), repealed and promulgated LR 25:1251 (July 1999), repromulgated for inclusion in LAC, LR 30:1036 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1124 (August 2021), LR 49:2107 (December 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

Chapter 107. Reimbursement

§10701. Reimbursement

A. - E. ...

F. All targeted case management services shall be reimbursed at a flat rate for each approved unit of service. The standard of service is equivalent to one month.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3302 (December 2013), LR 40:1700, 1701 (September 2014), LR 41:1490 (August 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:63 (January 2018), LR 47:1128 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:2976 (December 2022), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

Chapter 111. Ventilator Care Coordination

§11101. Recipient Qualifications

A. The targeted population for ventilator care coordination shall consist of Medicaid beneficiaries, birth through age 25, who require the use of mechanical ventilation and are participants of the Children's Choice Waiver (CC), New Opportunities Waiver (NOW), Residential Options Waiver (ROW), Early Steps Program, or meet requirements to receive Early Periodic Screening Diagnostic and Treatment (EPSDT) Targeted Case Management services as specified in LAC 50:XV.11303. Those eligible for and electing to receive ventilator care coordination may not receive other Medicaid-funded case management services.

B. Ventilator care coordination provides technical medical expertise relative to mechanical ventilation, including:

1. intensive case management that focuses on medical needs and addressing socioeconomic and environmental factors;

2. discussing with beneficiary/family when medical concerns arise and acting accordingly;

3. updating physicians on medical concerns/issues between hospitalizations to maximize patient care;

4. collaborating with skilled professionals to assess equipment needs for each beneficiary to ensure appropriateness;

5. advocating between the beneficiary/family, the supply/equipment vendor, and other providers when needed;

6. assessing beneficiary needs to have updated prescriptions for ventilator supplies and durable medical equipment;

7. working with the home health agency, family, and pharmacy to avoid the risk of medication reaction or error;

8. reviewing the home health agency's plan of care to determine the accuracy and appropriateness of the services provided; and

9. providing training and technical assistance to care providers and agencies that administer the provision of care to promote the health and safety of ventilator care coordination beneficiaries in their homes, at school, and in the community.

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 51:

§11103. Ventilator Care Coordination Provider

Qualifications

A. Each Medicaid-enrolled provider must employ the following staff:

1. licensed registered nurse; and
2. registered respiratory therapist.

B. The staff listed in Paragraphs A.1 and A.2 of this Section must possess at least two years of experience working with individuals who require mechanical ventilation.

C. Ventilator care coordinators may not exceed a caseload of 25 beneficiaries.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, since it will allow beneficiaries to continue receiving ventilator services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, since it will allow beneficiaries to continue receiving ventilator services.

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 an impact on the staffing level requirements or qualifications required to provide the same level of service since the proposed Rule requires Medicaid-enrolled providers to employ specific staff, and may increase the total direct and indirect cost to the provider to provide the same level of service, and may impact the provider's ability to provide the same level of service as described in HCR 170, since it adds new requirements and services.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is October 20, 2025.

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 October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 30, 2025 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 October 10, 2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Targeted Case Management Ventilator Care Coordination

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased costs to the state of \$170,981 for FY 25-26, \$255,822 for FY 26-27, and \$255,822 for FY 27-28. It is anticipated that \$972 (\$486 SGF and \$486 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of this proposed rule and final rule.

This proposed rule adds ventilator care coordination as a targeted case management service. It establishes the requirements for hospitals and providers, clarifies targeted case management reimbursement rates, and establishes what the requirements are for beneficiaries to receive the services. This proposed rule also repeals language related to the Children's Hospital Ventilator Assisted Care program, since the new service replaces that program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$360,962 for FY 25-26, \$540,635 for FY 26-27, and \$540,635 for FY 27-28. In FY 25-26, \$486 will be collected 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule adds ventilator care coordination as a targeted case management service. It lays out the requirements for hospitals and providers, clarifies targeted case management reimbursement rates, and establishes what the requirements are for beneficiaries to receive the services. This proposed rule will positively impact beneficiaries by allowing them to continue receiving ventilator services, but may result in higher costs to providers due to new requirements for staffing and case management services. This proposed rule is expected to result in increased payments to providers of \$530,971 for FY 25-26, \$796,457 in FY 26-27, and \$796,457 in FY 27-28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition, but may increase opportunities for employment since it requires Medicaid-enrolled hospitals to provide additional specialized services.

Kimberly Sullivan, JD
Medicaid Executive Director
2509#044

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Health Standards Section**

Ambulatory Surgical Center
Licensing Standards (LAC 48:I.4587)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.4587 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of ambulatory surgical centers in order to ensure compliance with Facility Guidelines Institute, Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the Office of the State Fire Marshal for building and construction, and to add provisions for waivers in certain situations.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

Subchapter G. Physical Environment

§4587. General Requirements

A. - C. ...

D. All new construction, additions, and renovations other than minor alterations, shall be in accordance with the specific requirements of the Office of State Fire Marshal (OSFM) and the department, or its designee, who shall be responsible for the review and approval of architectural plans. Plans and specifications submitted to these offices shall be prepared by or under the direction of a licensed

architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

1. For all new construction, additions, and renovations, ambulatory surgical centers (ASC) shall follow the 2014 Edition of the Facility Guidelines Institute, Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the OSFM for building and construction.

2. The department's secretary may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements, and to provisions of the licensing rules involving the clinical operation of the ASC. The facility shall submit a waiver request in writing to the department's licensing section on forms prescribed by the department.

a. In the waiver request, the facility shall demonstrate the following:

i. how patient health, safety, and welfare will not be compromised if such waiver is granted;

ii. how the quality of care offered will not be compromised if such waiver is granted; and

iii. the ability of the facility to completely fulfill all other requirements of the service, condition, or regulation.

b. The department's licensing section shall have each waiver request reviewed by an internal waiver review committee (WRC). In conducting such internal waiver review, the following shall apply:

i. the WRC may consult subject matter experts, including the OSFM; and

ii. the WRC may require the facility to submit risk assessments or other documentation to the department.

c. The director of the department's licensing section shall submit the WRC's recommendation on each waiver to the secretary or the secretary's designee for final determination.

d. The department shall issue a written decision of the waiver request to the facility. The granting of any waiver may be for a specific length of time.

e. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

f. If any waiver is granted, it is not transferrable in an ownership change or change of location.

g. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised.

h. Any waivers granted by the department prior to February 15, 2026, shall remain in place subject to any time limitations on such waivers. Further, such waivers shall be subject to the following:

i. review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised; and

ii. are not transferrable in an ownership change or change of location.

E. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1755

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 not impact costs to small business providers in FY 26, FY 27, and FY 28.

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 no impact on the provider's ability to provide the same level of service as described in HCR 170. It is anticipated that this proposed Rule will not impact costs to providers in FY 26, FY 27, and FY 28.

Public Comments

Interested persons may submit written comments to Steffan W. Rutledge, Esq., Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Mr. Rutledge is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2025.

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 October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 28, 2025 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 October 10, 2025. 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.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ambulatory Surgical Center
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 or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$540 SGR will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

The department proposes to amend the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to ensure that the provisions for compliance with the Facility Guidelines Institute, Guidelines for Design and Construction of Hospitals and Outpatient Facilities, as adopted by the Office of the State Fire Marshal (OSFM) for building and construction are clearly promulgated in the Louisiana Administrative Code, and to add provisions for waivers in certain situations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule will not impact direct or indirect costs or benefits to providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule is not anticipated to effect competition or employment.

Steffan W. Rutledge, Esq.
Medicaid Program Manager
2509#048

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Health Standards Section**

Behavioral Health Service Providers
Licensing Standards (LAC 48:I.Chapters 56 and 57)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.Chapters 56 and 57 and adopt §5706 as authorized by R.S. 36:254, R.S. 40:2151-2161. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed Rule amends the provisions governing the licensing of behavioral health service providers in order to update evidence-based practice standards and requirements to be in compliance with those nationally recognized. This includes updating definitions, revising licensure and staffing requirements, establishing timeframes for conducting client assessments and completion of discharge summaries, updating program titles, and re-establishing criteria for operating a Pregnant and Parenting Women Program at multiple levels of care. The proposed Rule also clarifies opioid treatment programs' operational hours to comply with federal regulations.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5601. Introduction

A. - C.3 ...

D. Repealed.

NOTE: Repealed.

E. - E.18. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1379 (July 2017), LR 48:1276 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5603. Definitions

Addiction Outpatient Treatment [American Society of Addiction Medicine (ASAM) Level 1.5]—an outpatient program that offers comprehensive, coordinated, professionally directed and defined addiction treatment services that may vary in level of intensity and may be delivered in a wide variety of settings. Services are provided in regularly scheduled sessions of fewer than nine contact hours a week.

Addiction Specialist—a licensed physician who is either of the following:

1. ...

2. certified by the American Board of Preventive Medicine or the American Osteopathic Association.

Addictive Disorder—the repeated pathological use of substances including but not limited to alcohol, drugs, or tobacco, or repeated pathological compulsive behaviors, including but not limited to gambling, which cause physical, psychological, emotional, economic, legal, social, or other harms to the individual afflicted with the addiction or to others affected by the individual's affliction. Addictive disorder includes instances where withdrawal from or tolerance to the substance or behaviors are present, and also instances involving use and abuse of substances.

Advanced Practice Registered Nurse (APRN)—a licensed registered nurse who meets the criteria for an *advanced practice registered nurse* as established by the Louisiana State Board of Nursing and is licensed as an APRN and in good standing with the Louisiana State Board of Nursing.

Medically Managed Intensive Outpatient Treatment (ASAM Level 2.7)—an organized outpatient addiction treatment service that may be delivered in an office setting or health care or behavioral health services provider by trained clinicians who provide medically supervised evaluation, withdrawal management and referral services. The services are designed to treat the client's level of clinical severity to achieve safe and comfortable withdrawal from mood-altering chemicals and to effectively facilitate the client's entry into ongoing treatment and recovery.

Campus—for purposes of this Chapter, a location where BHS services are provided that is within the geographic service area as the licensed BHS provider. A campus may have multiple buildings or addresses as long as those buildings are contiguous and not separated by public streets, and are within the same geographic service area as the licensed BHS provider.

Clinically Managed High-Intensity Residential Treatment (ASAM Level 3.5)—a residential program for adults that offers continuous observation, monitoring, and treatment by clinical staff designed to treat clients experiencing substance-related disorders who have clinically-relevant social and psychological problems, such as criminal activity, impaired functioning and disaffiliation from mainstream values, with the goal of promoting abstinence from substance use and antisocial behavior and affecting a global change in clients' lifestyles, attitudes and values.

Clinically Managed Low Intensity Residential Treatment (ASAM Level 3.1)—a residential program that offers at least five hours a week of a combination of low-intensity clinical and recovery-focused services for substance-related disorders. Services may include individual, group and family therapy, medication management and medication education, and treatment is directed toward applying recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the client into the worlds of work, education, and family life.

Clinically Managed Medium-Intensity Residential Treatment (ASAM Level 3.5)—a residential program for adolescents that offers continuous observation, monitoring, and treatment by clinical staff designed to treat clients experiencing substance-related disorders who have clinically-relevant social and psychological problems, such as criminal activity, impaired functioning and disaffiliation from mainstream values, with the goal of promoting abstinence from substance use and antisocial behavior and affecting a global change in clients' lifestyles, attitudes and values.

Clinically Managed Population Specific High-Intensity Residential Treatment Services (ASAM Level 3.3)—Repealed.

Clinically Managed Residential Withdrawal Management (Social) (ASAM LEVEL 3.2-WM)—Repealed.

Facility Need Review Approval—the letter of approval from the Facility Need Review (FNR) Committee within the department, which is required for licensure applicants in accordance with R.S. 40:2116, or current law, and the rules published thereto for psychosocial rehabilitation (PSR),

Community Psychiatric Support and Treatment (CPST), and Opioid Treatment Program (OTP) services prior to applying for a BHS provider license.

High Intensity Outpatient Treatment (ASAM Level 2.5)—an organized outpatient service that delivers treatment to adolescents and adults. This level encompasses services that meet the multidimensional instability and complex needs of people with addiction and co-occurring conditions which do not require 24-hour care.

Human Services District or Authority—an existing or newly created local governing entity with local accountability and management of behavioral health and developmental disabilities services as well as any public health or other services contracted to the district by the department.

Human Services Field—an academic program with a curriculum content in which at least 70 percent of the required courses are in the study of behavioral health or human behavior.

Intensive Outpatient Treatment (ASAM Level 2.1)—professionally directed assessment, diagnosis, treatment and recovery services provided in an organized non-residential treatment setting, including individual, group, family counseling and psycho-education on recovery as well as monitoring of drug use, medication management, medical and psychiatric examinations, crisis mitigation coverage and orientation to community-based support groups. Services may be offered during the day, before or after work or school, in the evening or on a weekend, and the program shall provide nine or more hours of structured programming per week for adults and six or more hours of structured programming per week for children/adolescents.

Licensed Mental Health Professional (LMHP)—pursuant to R.S. 40:2153, or current law, an individual who is currently licensed and in good standing in the state of Louisiana to practice within the scope of all applicable state laws, practice acts and the individual's professional license, as one of the following:

1. - 8. ...

Licensed Professional Counselor (LPC)—any person who holds himself out to the public for a fee or other personal gain, by any title or description of services incorporating the words “*licensed professional counselor*” or any similar term, and who offers to render professional mental health counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill and ethical considerations needed to assist individuals, groups, organizations, or the general public, and who implies that he is licensed to practice mental health counseling pursuant to R.S. 37:1103 et seq., or current law.

Medically Managed Residential Withdrawal Management (ASAM Level 3.7-WM)—a residential program for adults that provides 24-hour observation, monitoring and treatment delivered by medical and nursing professionals to clients whose withdrawal signs and symptoms are moderate to severe and thus require residential care, but do not need the full resources of an acute care hospital.

Medically Managed Residential Treatment (ASAM Level 3.7)—a residential program for adults that provides a planned regimen of 24-hour professionally directed evaluation, observation, medical monitoring and addiction treatment to clients with co-occurring psychiatric and substance disorders whose disorders are so severe that they require a residential level of care but do not need the full resources of an acute care hospital. The program provides 24 hours of structured treatment activities per week, including, but not limited to, psychiatric and substance use assessments, diagnosis treatment, and habilitative and rehabilitation services.

Pregnant and Parenting Women (PPW) Program—a program that is designed to provide substance use/addiction treatment to pregnant women and mothers with dependent children who remain with the parent while the parent is in treatment.

On-site or Onsite—the physical location of the licensed facility.

OSFM—the Louisiana Department of Public Safety and Corrections (LDPSC), Office of State Fire Marshal (OSFM).

OTP Practitioner—a physician, advanced practice registered nurse, or physician assistant (PA) who is currently licensed and in good standing to prescribe and dispense medications for opioid use disorders, and who is acting within the scope of all applicable state and federal laws and the individual's professional license.

Psychosocial Rehabilitation (PSR)—Repealed.

State Opioid Authority (SOA)—Repealed.

State Opioid Treatment Authority (SOTA)—the agency or other appropriate officials designated by the governor or his/her designee, to exercise the responsibility and authority within the state for governing the treatment of opioid use disorder with an opioid drug. The SOTA for the state of Louisiana is OBH.

Substance Use Disorder Facilities/Addiction Treatment Service—a service related to the screening, diagnosis, management, or treatment for the use of or addiction to controlled dangerous substances, drugs or inhalants, alcohol, gambling, or a combination thereof; may also be referred to as substance use disorder service.

Take-Home Dose(s)—a dose of opioid agonist treatment medication dispensed by a dispensing physician or pharmacist to a client for unsupervised use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:534 (April 2025), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter B. Licensing

§5606. License Restrictions and Exceptions

A. - E.2. ...

F. Exceptions during a Gubernatorial Declared State of Emergency or Disaster

1. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed behavioral health service (BHS) providers, may allow a licensed BHS provider to operate and provide services to existing clients who are receiving outpatient BHS services and who have evacuated or temporarily relocated to another location in the state when the following apply:

a. ...

b. the client shall have been an active client of the BHS provider as of the declared state of emergency or disaster, with an approved treatment plan;

1.c. - 4....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:588 (April 2020), amended LR 48:1281 (May 2022), LR 48:2756 (November 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5607. Initial Licensure Application Process

A. ...

B. The completed initial licensing application packet shall include:

1. - 11. ...

12. any other documentation or information required by the department for licensure including, but not limited to, a copy of the facility need review (FNR) approval letter, if applicable;

a. - b. Repealed;

B.13. - J.5....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1688 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), LR 48:1282 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5611. Types of Licenses

A. The department has the authority to issue the following types of licenses.

1. - 3. ...

4. Provisional License. The department may issue a provisional license to a licensed BHS provider for a period not to exceed six months.

a. - f.ii. ...

g. If the provisional license expires, the provider shall be required to begin the initial licensing process by submitting the following:

i. - ii. ...

iii. facility need review approval, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of

Health and Hospitals, Bureau of Health Services Financing, LR 41:1690 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter D. Provider Operations

§5637. Client Records

A. - A.15. ...

B. Contents. The provider shall ensure that a client record, at a minimum, contains the following:

1. - 2. ...

3. all pertinent medical, psychological, social and other therapeutic information, including:

a. - l. ...

m. physicians', advanced practice registered nurses (APRNs'), physician assistants', or LMHPs' orders;

3.n. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1697 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:534 (April 2025), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter F. Admission, Transfer and Discharge

§5647. Admission Requirements

A. - B. ...

C. Pre-Admission Requirements

1. - 3. ...

4. The initial admission assessment shall contain the following:

a. - b.xiii. ...

c. physical examination or appropriate referral within 72 hours if indicated by the physician, nursing assessment, or screening process, unless indicated to occur sooner than 72 hours in specific levels of care;

C.4.d. - D.2.I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1702 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

§5649. Transfer and Discharge Requirements

A. - D.6....

E. Discharge Summary. The BHS provider shall ensure that each client record contains a written discharge summary. The discharge summary shall be completed within 14 calendar days of the client leaving the program, and shall include:

E.1. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1703 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter G. Services

§5651. Treatment Protocols

A. - B. ...

C. Assessments shall be performed any time there is a significant change to the client's circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1704 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

§5653. Treatment Plan

A. Each client of the BHS provider shall have a treatment plan based on the assessment that contains:

1. - 7. ...

B. The BHS provider shall ensure that the treatment plan is in writing and is:

1. - 3. ...

4. signed by the LMHP or physician responsible for reviewing and approving the treatment plan; and

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1704 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter I. Physical Environment

§5669. Interior Space for Residential Facilities

A. - D.11.e. ...

E. The provider shall:

1. ...

2. require separate bedrooms and bathrooms for adults, and children/adolescents, except in the Pregnant and Parenting Women (PPW) Program, and for males and females;

3. prohibit adults and children/adolescents from sharing the same space, except in the PPW Program;

4. - 7. ...

8. prohibit bunk beds in the following programs:

a. clinically managed medium-intensity residential treatment (ASAM level 3.5) for adolescents;

b. clinically managed high intensity residential treatment (ASAM level 3.5) for adults;

c. medically managed residential treatment (ASAM level 3.7); and

d. medically managed residential withdrawal management (ASAM level 3.7-WM).

F. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1707 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1385 (July 2017), LR 48:1283 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter K. Additional Requirements for Children/Adolescent Programs

§5679. General Provisions

A. - A.7....

B. Staffing

1. All direct care employees shall have training in child and adolescent development, family systems, child and adolescent psycho-pathology and mental health, substance use in children and adolescents, and child and adolescent socialization issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1711 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter L. Additional Requirements for Mental Health Programs

§5689. Community Psychiatric Support and Treatment

A. - A.5. ...

B. Staffing Requirements

1. - b.ii. ...

2. Licensed Mental Health Professionals

a. The LMHP is responsible for providing clinical supervision of the CPST staff.

b. The LMHP is responsible for rendering the assessment and treatment planning components of CPST.

3. - 3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1713 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:2758 (November 2022), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter M. Additional Requirements for Substance Use/Addiction Treatment Services

§5693. General Requirements

A. - A.3. ...

B. Staffing

1. Medical Director

a. The provider shall ensure that its medical director is a licensed physician, with a current, unrestricted license to practice in the state of Louisiana, who:

i. is an addiction specialist; or

ii. meets all of the following:

(a). - (b). ...

(c). maintains a consulting relationship with an addiction specialist.

1.b. - c.Repealed.

2. - 3.d....

4. Optional Staff. An APRN providing addiction treatment services shall have a collaborative practice agreement. The agreement shall meet the requirements of the Louisiana State Board of Nursing, and any requirements of the licensed facility.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July 2017), amended by the Department of Health, Health Standards Section, LR 51:

§5695. Addiction Outpatient Treatment (ASAM Level 1.5)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 1.5 into this program;

2. ...
3. review the treatment plan in collaboration with the client a minimum of every 90 days or more frequently as needed, and document accordingly.

B. Staffing. The provider shall ensure that:

1. ...
 - a. Repealed.
2. - 4.
5. ...
 - a. Repealed.

C. The BHS provider may provide long-term remission monitoring as a step-down from ASAM Level 1.5. The client shall have sustained remission of at least one year from a substance use disorder.

1. Long-term remission monitoring includes:
 - a. remission monitoring;
 - b. mental health screenings; and
 - c. re-intervention as indicated.

2. Frequency of visits shall be based on clinical need, including at least quarterly recovery management checkups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5697. Intensive Outpatient Treatment (ASAM Level 2.1)

A. The provider shall:

1. - 2. ...
3. maintain a minimum of 6 hours per week for children/adolescents, at a minimum of three days per week, with a maximum of 19 hours per week;
4. complete an initial treatment plan within the first three visits; and
5. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly.

B. - B.5. ...

- a. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5698. High Intensity Outpatient Treatment (ASAM Level 2.5)

A. The provider shall:

1. - 3.b....
4. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly.

B. - B.5. ...

- a. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July

2017), LR 48:1286 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5699. Medically Managed Intensive Outpatient Treatment (ASAM Level 2.7) (Adults Only)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 2.7 into this program;
2. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly;
3. provide a minimum of 20 hours of services per week, comprised of medical and psychosocial services; and
4. have access onsite to perform biomedical capabilities.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5701. Clinically Managed Low-Intensity Residential Treatment (ASAM Level 3.1)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 3.1 into its program;
2. offer a combination of low-intensity clinical and recovery focused services, including:
 - a. - d. ...
3. for adolescents, offer at least five hours of services per week;
4. for adults, offer nine to 19 hours of services seven days per week;
5. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly; and
6. provide case management that is:
 - a. provided by a care coordinator who is on duty as needed; or
 - b. assumed by the clinical staff.

B. - B.4.c. ...

C. The BHS provider may operate a PPW program.

1. A provider's PPW program shall:
 - a. meet the requirements of ASAM level 3.1;
 - b. provide weekly parenting classes where attendance is required;
 - c. address the specialized needs of the parent;
 - d. provide education, counseling, and rehabilitation services for the parent that further addresses:
 - i. the effects of chemical dependency on a woman's health and pregnancy;
 - ii. parenting skills; and
 - iii. health and nutrition;
 - e. regularly assess parent-child interactions and address any identified needs in treatment; and
 - f. provide access to family planning services.
2. Child Supervision
 - a. When the mother is not available, the provider shall provide age-appropriate child supervision.
 - b. The provider shall ensure that its child supervision is provided by either:

i. the provider's on-site program with all staff members who:

- (a). are at least 18 years old;
- (b). have infant cardiopulmonary resuscitation (CPR) certification; and
- (c). have at least eight hours of training in the following areas prior to supervising children independently:
 - (i). chemical dependency and its impact on the family;
 - (ii). child development and age-appropriate activities;
 - (iii). child health and safety;
 - (iv). universal precautions;
 - (v). appropriate child supervision techniques; and
 - (vi). signs of child abuse; or
- ii. a licensed day care provider pursuant to a written agreement with the provider.

c. The provider shall maintain a staff-to-child ratio that does not exceed:

- i. 1:3 for infants (18 months and younger); and
- ii. 1:6 for toddlers and children.

d. Child Specialist. The provider shall have a child specialist who:

- i. is available to:
 - (a). provide staff training;
 - (b). evaluate effectiveness of direct care staff;

and

- (c). plan activities for at least one hour per week per child;
- ii. has 90 clock hours of education and training in child development and/or early childhood education; and
- iii. has one year of documented experience providing services to children.

e. Clients shall not supervise another parent's child or children without written consent from the legal guardian and staff approval.

f. Staff shall check all diapers frequently and change as needed. Staff shall dispose of the diapers in a sealed container and sanitize the changing area.

3. Clinical Care for Children. The provider shall:

- a. address the specialized and therapeutic needs and care for the dependent children;
- b. develop an individualized treatment plan to include goals, objectives, and target dates;
- c. provide age-appropriate education, counseling, and rehabilitation services for children that address or include:
 - i. the emotional and social effects of living with a chemically dependent care-giver;
 - ii. early screening and intervention of high risk behavior and referrals for appropriate services when indicated;
 - iii. screening for developmental delays; and
 - iv. health and nutrition;
- d. ensure that all children have access to medical care when needed;
- e. ensure that children are administered medication according to the label by the parent or licensed staff qualified to administer medications;
- f. ensure that if licensed staff administer medications, the provider:

- i. obtains written consent from the parent to administer the prescribed and over the counter medications;
 - (a). written consent shall include information relative to dosage, route, etc.;
 - ii. assumes full responsibility for the proper administration and documentation of the medications; and
 - iii. ensures original labeled medication containers with name, dosage, route, etc. are obtained prior to medication administration;
 - g. maintain current immunization records and allergy records for each child at the program site; and
 - h. obtain consent for emergency medical care for each child at admission.

4. Child Services

- a. The children's daily activity schedule shall include a variety of structured and unstructured age-appropriate activities.
- b. School age children shall have access to school.
- c. The health, safety, and welfare of the children shall be protected at all times.
- d. Behavior management shall be fair, reasonable, consistent, and related to the child's behavior. Physical discipline is prohibited.
- e. The children shall be well-groomed and dressed weather-appropriate.
- f. An adequate diet for childhood growth and development, including two snacks per day, shall be provided to each child.

5. The program shall develop, implement, and comply with written policies and procedures that:

- a. address abuse and/or neglect of a child;
- b. prohibit children under the age of 18 months from sleeping in bed with their mothers;
- c. require a current schedule showing who is responsible for the children at all times;
- d. address isolating parents and children who have communicable diseases and providing them with appropriate care and supervision; and
- e. identify those persons authorized to remove a child from the facility other than legal guardian or parent.

6. Safety and Emergency Preparedness (SEP)

- a. The program shall develop and implement an SEP plan with provisions and services for the clients and children.
- b. All toys and equipment shall be:
 - i. age appropriate;
 - ii. in good order and safe condition; and
 - iii. operated in accordance with manufacturer's recommendations.
- c. Staff, volunteers, and parents shall use universal precautions at all times.
- d. The provider shall ensure that only the legal guardian or a person authorized by the legal guardian may remove a child from the provider.
- e. If an individual shows documentation of legal custody, staff shall record the person's identification before releasing the child.

7. Physical Environment

- a. The program shall provide potty chairs for small children and sanitize them after each use.
- b. The program shall provide age-appropriate bathing facilities. Infants shall not be bathed in sinks.

c. Each child shall be provided with his/her own bed.

d. Infants up to 18 months shall sleep in either a bassinet or cribs appropriate to the size of the child.

e. The provider shall provide a variety of age-appropriate equipment, toys, and learning materials for the children/adolescents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5703. Clinically Managed Residential Withdrawal (Social) (ASAM Level 3.2-WM)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022), repealed by the Department of Health, Health Standards Section, LR 51:

§5705. Clinically Managed Population Specific High-Intensity Residential Treatment (ASAM Level 3.3) (Adult Only)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1716 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022) repealed by the Department of Health, Health Standards Section, LR 51:

§5706. Clinically Managed Medium-Intensity Residential Treatment (ASAM 3.5) (Adolescents Only)

A. The provider shall:

1. admit only adolescent clients clinically appropriate for ASAM level 3.5 into its program;

2. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly;

3. provide case management that is:

a. provided by a care coordinator who is on duty as needed; or

b. assumed by the clinical staff.

B. Staffing. The provider shall ensure that:

1. a physician is on call 24 hours per day, seven days per week, and reports on duty as needed for management of psychiatric and medical needs of the clients;

2. a clinical supervisor is available for clinical supervision when needed and by telephone for consultation;

3. one licensed registered nurse is on call 24/7 to perform nursing duties for the provider;

4. at least one LMHP or UP shall be on duty at least 40 hours per week;

a. Each LMHP/UP's caseload shall not exceed 1:8.

5. at least two direct care aides shall be on duty during all shifts with additional as needed;

a. The ratio of aides to clients shall not exceed 1:8. On therapy outings, the ratio shall be at least 1:5;

6. a psychologist shall be available when needed; and

7. a licensed nurse shall be on duty to meet the nursing needs of the clients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:

§5707. Clinically Managed High-Intensity Residential Treatment (ASAM Level 3.5) (Adults Only)

A. The provider shall:

1. admit only adult clients clinically appropriate for ASAM level 3.5 into its Clinically Managed High Intensity Residential Treatment;

2. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly;

3. provide case management that is: a.

...

b. assumed by the clinical staff; and

4. provide a minimum of 20 hours per week of services.

B. Staffing. The provider shall ensure that:

1. - 3. ...

4. there shall be at least one LMHP or UP on duty at least 40 hours per week. Each LMHP/UP's caseload shall not exceed 1:12;

5. there shall be at least one direct care aide on duty on all shifts, with additional as needed; and

a. - c. Repealed;

6. there shall be licensed nurses on duty to meet the needs of the clients:

a. at least two licensed nurses during weekday shifts; and

b. at least one and a half full-time equivalent licensed nurses during night and weekend shifts.

c. - d.i. Repealed.

C. The BHS provider may operate a PPW program.

1. A provider's PPW program shall:

a. meet the requirements of ASAM level 3.5;

b. provide weekly parenting classes where attendance is required;

c. address the specialized needs of the parent;

d. provide education, counseling, and rehabilitation services for the parent that further addresses:

i. the effects of chemical dependency on a woman's health and pregnancy;

ii. parenting skills; and

iii. health and nutrition;

e. regularly assess parent-child interactions and address any identified needs in treatment; and

f. provide access to family planning services.

2. Child Supervision

a. When the mother is not available, the provider shall provide age appropriate child supervision.

b. The provider shall ensure that its child supervision is provided by either:

i. the provider's on-site program with all staff members who:

(a). are at least 18 years old;

(b). have infant CPR certification; and

(c). have at least eight hours of training in the following areas prior to supervising children independently:

(i). chemical dependency and its impact on the family;

(ii). child development and age-appropriate activities;

(iii). child health and safety;

(iv). universal precautions;

(v). appropriate child supervision techniques; and

(vi). signs of child abuse; or

ii. a licensed day care provider pursuant to a written agreement with the provider.

c. The provider shall maintain a staff-to-child ratio that does not exceed:

i. 1:3 for infants (18 months and younger); and

ii. 1:6 for toddlers and children.

d. Child Specialist. The provider shall have a child specialist who:

i. is available to:

(a). provide staff training;

(b). evaluate effectiveness of direct care staff;

and

(c). plan activities for at least one hour per week per child;

ii. has 90 clock hours of education and training in child development and/or early childhood education; and

iii. has one year of documented experience providing services to children.

e. Clients shall not supervise another parent's child or children without written consent from the legal guardian and staff approval.

f. Staff shall check all diapers frequently and change as needed. Staff shall dispose of the diapers in a sealed container and sanitize the changing area.

3. Clinical Care for Children. The provider shall:

a. address the specialized and therapeutic needs and care for the dependent children;

b. develop an individualized treatment plan to include goals, objectives, and target dates;

c. provide age-appropriate education, counseling, and rehabilitation services for children that address or include:

i. the emotional and social effects of living with a chemically dependent care-giver;

ii. early screening and intervention of high risk behavior and referrals for appropriate services when indicated;

iii. screening for developmental delays; and

iv. health and nutrition;

d. ensure that all children have access to medical care when needed;

e. ensure that children are administered medication according to the label by the parent or licensed staff qualified to administer medications;

f. ensure that if licensed staff administer medications, the provider:

i. obtains written consent from the parent to administer the prescribed and over the counter medications;

(a). Written consent shall include information relative to dosage, route, etc.;

ii. assumes full responsibility for the proper administration and documentation of the medications; and

iii. ensures original labeled medication containers with name, dosage, route, etc. are obtained prior to medication administration;

g. maintain current immunization records and allergy records for each child at the program site; and

h. obtain consent for emergency medical care for each child at admission.

4. Child Services

a. The children's daily activity schedule shall include a variety of structured and unstructured age-appropriate activities.

b. School age children shall have access to school.

c. The health, safety, and welfare of the children shall be protected at all times.

d. Behavior management shall be fair, reasonable, consistent, and related to the child's behavior. Physical discipline is prohibited.

e. The children shall be well-groomed and dressed weather-appropriate.

f. An adequate diet for childhood growth and development, including two snacks per day, shall be provided to each child.

5. The program shall develop, implement, and comply with written policies and procedures that:

a. address abuse and/or neglect of a child;

b. prohibit children under the age of 18 months from sleeping in bed with their mothers;

c. require a current schedule showing who is responsible for the children at all times;

d. address isolating parents and children who have communicable diseases and providing them with appropriate care and supervision; and

e. identify those persons authorized to remove a child from the facility other than legal guardian or parent.

6. Safety and Emergency Preparedness (SEP)

a. The program shall develop and implement an SEP plan with provisions and services for the clients and children.

b. All toys and equipment shall be:

i. age appropriate;

ii. in good order and safe condition; and

iii. operated in accordance with manufacturer's recommendations.

c. Staff, volunteers, and parents shall use universal precautions at all times.

d. The provider shall ensure that only the legal guardian or a person authorized by the legal guardian may remove a child from the provider.

e. If an individual shows documentation of legal custody, staff shall record the person's identification before releasing the child.

7. Physical Environment

a. The program shall provide potty chairs for small children and sanitize them after each use.

b. The program shall provide age-appropriate bathing facilities. Infants shall not be bathed in sinks.

c. Each child shall be provided with his/her own bed.

d. Infants up to 18 months shall sleep in either a bassinet or cribs appropriate to the size of the child.

e. The provider shall provide a variety of age-appropriate equipment, toys, and learning materials for the children/adolescents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1717 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5709. Medically Managed Residential Treatment (ASAM Level 3.7) (Adults Only)

A. The provider shall:

1. admit only clients clinically appropriate for ASAM level 3.7 into its program;
2. ensure that:
 - a. a physical examination is conducted by a physician, PA, or APRN within 24 hours of admission; or
 - b. the provider's admitting physician reviews and approves a physical examination conducted by a physician, PA, or APRN within 24 hours prior to admission;
3. review the treatment plan in collaboration with the client a minimum of every 30 days or more frequently as needed, and document accordingly;
4. provide case management that is:
 - a. provided by a care coordinator who is on duty as needed; or
 - b. assumed by the clinical staff.
5. provide a minimum 20 hours of clinical services per week;
6. have onsite access to perform biomedical capabilities.

B. - B.8. ...

C. The BHS provider may provide ASAM level 3.7-WM as an optional service. If provided, the provider must meet all requirements under LAC I.5711.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1718 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5711. Medically Managed Residential Withdrawal Management (ASAM Level 3.7-WM) (Adults Only)

A. The provider shall:

1. admit only clients clinically appropriate for ASAM level 3.7-WM into its program;
- A.2. - B.2. ...
- C. Staffing
1. ...
 2. Nursing
 - a. - c. ...
 - d. The provider shall ensure that its on-site nursing staff is solely responsible for 3.7-WM program and does not provide services for other levels of care at the same time.
- 2.e. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1718 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter N. Additional Requirement for Substance Use/Addiction Residential Treatment Programs* * *

§5712. Onsite Access to Medications for Opioid Use Disorder

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5719. Staffing

A. ...

B. House Manager

1. ...

2. The house manager

shall: a. ...

b. have at least two years qualifying experience working for a provider that treats clients with mental illness and/or addictive disorders;

c. - g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 41:1720 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter O. Additional Requirements for Opioid Treatment Programs* * *

§5723. General Provisions

A. - A.4. ...

B. OTPs shall have established operational hours for a minimum of six days per week, including one weekend day. Operational hours shall be approved by SOTA and indicated on the license application or change notification.

1. OTP closures are permissible on Sundays and the following holidays:

- a. New Year's Day;
- b. National Memorial Day;
- c. Juneteenth National Independence Day;
- d. Independence Day;
- e. Labor Day;
- f. Veterans Day;
- g. Thanksgiving Day; and
- h. Christmas Day.

2. Any modification to hours due to circumstances such as emergencies or Mardi Gras schedules shall be coordinated with the SOTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1720 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017), LR 48:1287 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:

§5727. Additional Staffing Requirements

A. - A.7.b.viii.

B. - B.5 Repealed.

B. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025), amended by the Department of Health, Health Standards Section, LR 51:

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, or current law.

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, or current law.

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 implementation of this proposed Rule may result in an indeterminable increase in direct or indirect costs for BHS providers in FY 26, FY 27, and FY 28 depending, in part, on which level of substance use disorders services that the BHS providers offer. Potential costs are dependent upon expenses incurred to deliver services, including additional staffing.

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 implementation of this proposed Rule may result in an indeterminable increase in direct or indirect costs for BHS providers in FY 26, FY 27, and FY 28 depending, in part, on which level of substance use disorders services that the BHS providers offer. Potential costs are dependent upon expenses incurred to deliver services, including additional staffing.

Public Comments

Interested persons may submit written comments to Steffan W. Rutledge, Esq., Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Mr. Rutledge is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2025.

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 October 10, 2025. 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 October 28 2025 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 October 10, 2025. 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.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Behavioral Health Service 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 or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$6,804 SGR will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

The proposed Rule amends the provisions governing the licensing of behavioral health service providers (BHSPs) in order to update evidence-based practice standards and requirements to be in compliance with those nationally recognized. This includes updating definitions, revising licensure and staffing requirements, establishing timeframes for conducting client assessments and completion of discharge summaries, updating program titles, and re-establishing criteria for operating a Pregnant and Parenting Women Program at multiple levels of care. The proposed Rule also clarifies opioid treatment programs' operational hours to comply with federal regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule may result in an indeterminable increase in direct or indirect costs for BHSPs in FY 26, FY 27, and FY 28 depending, in part, on which level of substance use disorders (SUD) services that the BHSPs offer. Potential costs are dependent upon expenses incurred to deliver services, including additional staffing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed Rule may have an indeterminable impact on the staffing level requirements or qualifications required, depending on the level of service that BHSPs choose to provide.

NOTICE OF INTENT

Department of Health Health Standards Section

Hospitals Licensing Standards
(LAC 48:I.9323, 9479, and 9501)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.9323, §9479, and §9501 as authorized by R.S. 36:254 and R.S. 40:2100 – 2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend provisions governing the licensing of hospitals to update hospital administrator requirements, and to clarify requirements of the director of nursing and registered nurse manager.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter B. Hospital Organization and Services

§9323. Administration

A. In accordance with the hospital policy, there shall be a full-time administrator who is responsible for hospital operations. The administrator shall be given power by the governing body. Beginning June 1, 2025, no administrator shall be administrator of more than one licensed hospital.

1. The administrator may be an administrator of one additional licensed hospital, if the following terms are met:

- a. the additional hospital shall also be licensed for less than 50 beds; and
- b. the additional hospital shall not be under a settlement agreement with LDH.

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:958 (July 2025), LR 51:

Subchapter P. Rehabilitation Services (Optional)

§9479. Organization and Staffing

A. - C. ...

D. A general hospital rehabilitation unit shall have a registered nurse (RN) as unit manager. The RN shall have at least one year of clinical nursing experience providing rehabilitative nursing care. The clinical nursing experience shall be in an acute care hospital's rehabilitation unit, or in a rehabilitation hospital. The unit shall provide:

1. 24-hour RN coverage; and
2. an adequate number of licensed nurses and rehabilitative workers to provide the nursing care necessary under each patient's active treatment program.

E. In a rehabilitation hospital, the director of nursing (DON) services shall be a full-time RN. The DON shall have three years clinical nursing experience. At least one year of clinical nursing experience shall be in providing rehabilitative nursing care in an acute care hospital's rehabilitation unit, or in a rehabilitation hospital. The hospital shall provide:

1. 24-hour RN coverage; and
2. an adequate number of licensed nurses and rehabilitative workers to provide the nursing care necessary under each patient's active treatment program.

F. - J.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 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 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1490 (October 2024), LR 51:

Subchapter R. Psychiatric Services (Optional)

§9501. Staffing

A. - B. ...

C. In a psychiatric hospital, the DON shall be a full-time RN.

1. A DON hired or promoted prior to May 31, 2026, shall meet the following criteria for education and experience:

a. - b. ...

c. a bachelor's, associate degree, or diploma in nursing with documented evidence of educational programs focused on treating psychiatric patients. The educational programs shall have occurred at intervals sufficient enough to keep the nurse current on psychiatric nursing techniques. In addition, the nurse shall have:

i. at least five years of nursing experience, three years of which were providing nursing care to the mentally ill:

- (a). in an acute care hospital's psychiatric unit; or
- (b). in a psychiatric hospital; or

ii. receive regular, documented supervision/consultation from a master's prepared psychiatric nurse.

2. A DON hired or promoted on or after June 1, 2026, shall meet the following criteria for education and experience:

a. ...

b. at least three years clinical RN experience in providing psychiatric nursing care. The psychiatric nurse care shall have been provided:

(i). in an acute care hospital's psychiatric unit; or

(ii). in a psychiatric hospital; and

c. on-going training in psychiatric nursing. A master's degree in psychiatric nursing equals on-going training. Training documentation shall be kept in the personnel file for the DON.

D. - I.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and 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 29:2426 (November 2003). amended by the Department of Health and Hospitals, Bureau of Health Services

Family Impact Statement

Pursuant to Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the proposed Rule's impact on families has been considered. This proposed Rule is not expected to impact the family as described in R.S. 49:972.

Poverty Impact Statement

Pursuant to Act 854 of the 2012 Regular Session of the Louisiana Legislature, consideration has been given to the proposed Rule's impact on poverty. This proposed Rule is not expected to impact poverty or community asset development under 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 implementation of this proposed Rule may have an indeterminable impact in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

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 implementation of this proposed Rule may have an indeterminable impact in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

Public Comments

Interested persons may submit written comments to Steffan W. Rutledge, Esq., Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Mr. Rutledge is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing. The request may be mailed to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629. Such request must be received no later than 4:30 p.m. on October 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing. The public hearing shall be at 9:30 a.m. on October 28, 2025. The hearing shall be held in Room 118 of the Bienville Building 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, call Allen Enger at (225) 342-1342 after October 10, 2025. If a public hearing is to be held, all interested persons are invited to attend. Attendees may present data, views, comments, or arguments, orally or in writing.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hospitals 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 or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$648 SGR will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

The department proposes to amend the provisions governing the licensing of hospitals in order to update hospital administrator requirements, and to clarify existing requirements for clinical nursing experience of the director of nursing and registered nurse (RN) manager.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule may have an indeterminable impact in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed Rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service. In certain situations, hospitals may utilize the same administrator for more than one hospital. Additionally, requiring a specific type of clinical RN experience may limit the hospitals' pool of candidates for certain positions.

Steffan W. Rutledge, Esq.
Medicaid Program Manager
2509#047

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Plans and Permits Review Fees (LAC 51:I.119) Under

the authority of R.S. 40:4 and 40:5, 40:31.40, and 40:1046, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Louisiana Department of Health, Office of Public Health (LDH), intends to amend LAC 51:I.119 in compliance with the provisions of Act 513 and Act 514 of the 2025 Regular Session. Specifically, the department is adding a provision to the General Provisions of the *Sanitary Code* requiring the collection of a plan-review fee for any set of plans issued to the department

pursuant to the receipt of a Permit-to-Operate from the Bureau of Sanitarian Services. The fee will be \$100 for a 10-day review process or \$1,000 for a 5-day (expedited) review process.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part I. General Provisions

Chapter 1. General

§119. Plans and Permits

A. - B. ...

1. The department shall charge and collect in advance a fee in the amount set forth in R.S. 40:31.40, or any successor statute, for the standard review of any plans required to be submitted in connection with a permit application for a new facility, operation or establishment or a plan required to be submitted in connection with a substantial renovation to an existing permitted facility, operation, or establishment. The department may collect an alternative fee as set forth in said statute for the expedited review (to be completed within five business days of the original submission) of plans required to be submitted in connection with a permit for a new facility, operation, or establishment or one undergoing substantial renovations as defined in §101 of this Code.

C. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4, R.S. 40:31.40, and R.S. 40:5(3)(7)(17)(19)(20)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1695 (October 2001), amended LR 28:1211 (June 2002), LR 34:753 (April 2008), amended by the Department of Health, Office of Public Health, amended LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than October 10, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Friday, October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 10:00 a.m. on Monday, October 27, 2025, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Friday, October 10, 2025. 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.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Plans and Permits Review Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Office of Public Health is approximately \$266 in FY 26 for the notice and rule publication in the Louisiana Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is estimated to increase Bureau revenues by approximately \$1,046,500 annually through the collection of new and increased fees authorized under Act 514

of the 2025 Regular Session. The projected revenue includes approximately \$550,000 from plans review fees (\$100 standard and \$1,000 expedited), \$450,000 from an increase in onsite sewer tag fees, \$45,000 from the establishment of a \$15 export certificate fee, and \$1,500 from updated booth permit fees for large-scale events such as Jazz Fest. These collections will provide additional self-generated revenue to support the Bureau’s operating budget, which currently totals \$24 M and is primarily devoted to staffing costs. The added revenues are intended to offset the costs of reviewing over 5,000 plans annually, processing more than 9,000 sewer installations, and issuing thousands of export certificates required by Louisiana businesses. No local revenues are anticipated to be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Stakeholders seeking permits will be required to pay a plans review fee of \$100 or may choose to pay an expedited review fee of \$1,000 for faster processing within five business days. In addition, applicants may incur costs associated with increases in fees for export certificates and onsite sewer licenses and tags, as authorized by Act 514 of the 2025 Regular Session. These fees represent direct costs to individuals, businesses, or organizations applying for permits or licenses. While the rule results in additional expenses for applicants, it also provides the benefit of timely and predictable permit processing, particularly for those opting for expedited review.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Tonya Joiner
Assistant Secretary
2509#072

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Office of Public Health**

Registration of Foods, Drugs, Cosmetics and
Prophylactic Devices (LAC 49:I.Chapter 5)

Under the authority granted by R.S. 40:4 and R.S. 3:1483(L), and in accordance with the R.S. 49: 950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health, Office of Public Health, intends to enact new provisions of Title 49 of the *Louisiana Administrative Code* (also known as “Public Health—Food, Drugs, and Cosmetics”) to address the requirements to register consumable hemp products as specified by Act 752 of the 2024 Regular Legislature.

This proposed Rule amends §501 to provide for additional definitions, to amend existing definitions, and to repeal certain existing definitions; adds a new §516 to provide for the issuance of permits to in-state and out-of-state processing facilities; amends §§517-519; adds a new §521 to provide for distillate potency testing, batch testing, and certificate of analysis; repeals §§527-531 in accordance with Act 752 of the 2024 Regular Session; amends §533 and §535; adds a new §534 regarding variances in package contents; and adds §539 regarding additional enforcement provisions. New language will be adopted in §516, §§517-521, §533, §535, and §539, including disclosure of ownership information of hemp firms, allowing for the

revocation of the registration of a hemp product for the cause of failure to provide a certificate of analysis meeting regulatory requirements, and allowing for exemptions to provisions triggering automatic revocation of all productions from a firm when multiple registrations are revoked within a two-year period when those revocations are the direct result of regulatory changes implemented by the department.

**Title 49
PUBLIC HEALTH—FOOD, DRUGS, AND
COSMETICS**

**Part I. Regulations
Chapter 5. Registration of Foods, Drugs, Cosmetics
and Prophylactic Devices**

§501. Definitions

[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49, which are adopted or may be adopted, are defined for the purposes thereof as follows.

Adult-Use Consumable Hemp Product—Repealed.

Consumable Hemp Product—any product derived from industrial hemp that contains any cannabinoid, including cannabidiol or THC, and is intended for consumption or topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, and pet products.

Consumable Hemp Products Database—repository of information on products and firms that are registered with the Cannabis Program of LDH/OPH that fall into the category of consumable hemp products.

Department—for the purposes of this Chapter, the Office of Public Health, Louisiana Department of Health.

Distillate—the product of condensation of an evaporated substance to produce a highly-concentrated solution.

Industrial Hemp-Derived Cannabidiol Products (IHDCP)—Repealed.

Industrial Hemp-Derived Cannabidiol Products Database—Repealed.

Liquid Concentrate—concentrated water-soluble liquid containing THC components derived from consumable hemp that can be consumed directly or added to a food or beverage.

Manufacturer—the person, whether permitted or not by the department as a consumable hemp processor, who manufactures a consumable hemp product into the final form in which it will be distributed or offered for sale.

Package—container or wrapping in which any consumer commodity is enclosed for the purposes of display or delivery to retail purchasers; in the context of consumable hemp products, this term refers to a group of individual servings offered together as a single unit.

Related Entity—an entity that shares at least 50 percent direct or indirect common ownership with another entity.

Serving—total quantity of discrete units or of liquid in a package a processor recommends for consumption at one time; in the context of consumable hemp products, this term refers to discrete (i.e., separate and completely unattached to other servings) pieces of a solid substance, containers of a beverage, or one milliliter of a tincture, extract or distillate designed for oral or sublingual use.

* * *

THC—any combination of tetrahydrocannabinol, THC components, and tetrahydrocannabinolic acid.

* * *

THC Components—any isomer, analog or derivative of the tetrahydrocannabinol molecule.

Tincture—an extract of plant material produced using an organic solvent, frequently mixed with a carrier oil and optional flavorants to generate a finished product; this category does not include liquid concentrates.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§516. Consumable Hemp Processors; Permits

A. Any person seeking to manufacture or process consumable hemp products in Louisiana must first obtain from the department a separate annual consumable hemp processor permit for each facility in which such manufacturing or processing will occur. No person shall process or manufacture any consumable hemp product in Louisiana at a facility for which a current valid annual consumable hemp processor permit has not been issued by the department.

B. The department shall issue an annual consumable hemp processor permit, or renewal thereof, for a processing or manufacturing facility located in Louisiana if all of the following conditions are met:

1. The applicant and facility comply with all applicable requirements of LAC Title 51, Part VI, §103.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

C. The department shall issue an annual consumable hemp processor permit, or renewal thereof, by endorsement for a processing or manufacturing facility located in another state if all of the following conditions are met:

1. The applicant demonstrates that it holds a current valid permit for the facility issued by the state's health department, or equivalent agency, pursuant to a regulatory scheme under which an inspection of the facility is conducted prior to initial permit issuance to ensure compliance with compulsory sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI and the issuing agency has authority to

conduct additional inspections as it deems necessary to ensure continuing compliance therewith.

2. The applicant pays the annual permit fee as required by R.S. 3:1483(A)(1) or successor statute.

3. The applicant discloses the legal name and ownership interest of each person owning more than a 5 percent interest in the applicant.

4. The applicant submits the online or physical application form prescribed by the department.

5. The applicant and facility comply with all applicable requirements of Part VI of Chapter 10-a of R.S. Title 3, this Section, and this Chapter.

6. The applicant consents to the personal jurisdiction of Louisiana courts and administrative tribunals for matters related to denial, issuance, revocation, or suspension of a permit, license, or registration under this Chapter.

D. Annual consumable hemp processor permits shall be issued on a fiscal year basis, expiring on June 30 of the fiscal year of issuance. The department shall prorate the annual fee for permits applied for and issued subsequent to July 1 of a fiscal year. Permit renewal applications, together with the required fee, must be submitted to the department no later than 30 days prior to permit expiration. The provisions of R.S. 49:977.3(B) shall apply to a timely-submitted renewal application.

E. Individuals seeking an annual consumable hemp processor permit shall provide to the department proof of being at least 21 years of age and a notarized attestation, given under penalty of perjury, stating that the individual has not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

F. Juridical entities (e.g. corporations or limited liability companies) seeking an annual consumable hemp processor permit shall provide to the department a notarized attestation, given under penalty of perjury and executed by the secretary, managing member, or other authorized individual, stating that no officer or shareholder/member owning more than 5 percent of the entity has been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country, or been convicted in this or in any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in controlled dangerous substances.

G. Notice of final denial of a requested facility permit shall state the specific reason(s) for the denial and shall include notice of right to an administrative hearing concerning same, which right shall expire unless the applicant files, in the manner specified therein, a written request for an administrative hearing with the department within 20 calendar days of receipt of the notice. Any such request timely received shall be forwarded by the department to the Louisiana Division of Administrative Law. In addition to any method of service authorized by this Title, service of the notice on the applicant may be effected

through any means authorized by LAC 51:I.109. Additionally, service may be made by electronic mail sent to any email address provided by the registrant to the department as part of or subsequent to the permitting or registration process, and shall be deemed effective even if returned as undeliverable.

H. The department may revoke or suspend a consumable hemp processor permit if the permit holder, or the facility for which the permit was issued, no longer complies with the prerequisites and conditions for obtaining or holding such permit set forth in this Chapter. Except as otherwise provided in Subsection I of this Section, revocation or suspension shall occur by issuance of an Order Revoking/Suspending Permit, the issuance, format, service, and administrative appeal of which shall be in accordance with the applicable requirements set forth in §518.B-C of this Chapter. If the state health officer determines, in his sole discretion, that immediate implementation of the order is necessary to abate a potential danger to the public life, health, or safety, and includes that finding in the order, the order shall be deemed an emergency order and shall not be stayed pending the decision of the Division of Administrative Law.

I. A permit issued by endorsement pursuant to Subsection C of this Section shall be automatically suspended or revoked if the out-of-state permit upon which it is based lapses, expires, or is suspended or revoked by the issuing agency. It shall be the affirmative duty of the holder of a permit issued by endorsement to inform the department of any such lapse, expiration, suspension, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§517. Registration of Consumable Hemp Products

A. Each separate and distinct consumable hemp product must be registered with the department— annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must provide (both initially and on or before January 1 of each subsequent year) the department with a packet that includes:

1. - 6. ...

7. for each separate and distinct product, photographs or renderings of the product that accurately depict the Title 49, Part I entirety of the product, including all accessories or physical items included or sold with the product, whether attached or not. The department may require the submission of a specimen of the actual product and all included accessories if it determines in its sole discretion that submitted renderings or photographs do not allow a sufficient determination that the product meets all applicable requirements of this Chapter;

8. for each separate and distinct product, a detailed written description of how individual servings will be packaged and marketed for sale. A product whose label fails to comply with §533 of this Chapter will not be registered. A product packaged, labeled, or marketed in a manner that physically or functionally combines individual servings,

resulting in a functional or suggested product serving size that exceeds 5 milligrams of total THC per serving, shall not be registered and shall be subject to revocation of registration pursuant to §518 of this Chapter;

9. the address and identifying information of any facility in which the product will be manufactured or processed, together with an indication of whether a current valid annual consumable hemp processor permit has been issued by the department for the facility; and

10. the legal name of the manufacturer of the product, together with the legal name and ownership interest of each person owning more than a 5 percent interest in the manufacturer.

D. ...

E. No person is authorized to distribute any consumable hemp product in the state of Louisiana unless such product is currently registered and entered into the consumable hemp products database by the department, except that if a firm submits product labeling and supporting documentation for review to the department and does not receive a written response within 60 business days of that initial submission, the product may be sold after the sixtieth business day by any permitted wholesaler or retailer until the submitting party receives notice in writing from the department that the product in question is accepted or rejected for registration. Upon the expiration of the 60 business days, the department will send written notice, via electronic mail only, confirming the “pending” status of any application and, if known, a date by which a final determination will be made.

F. Any firm may apply with the department for the designation of its products as “Louisiana Hemp Products,” provided that those products are produced from hemp grown in Louisiana and are processed at a Louisiana-based manufacturer. These items will be designated with a special mark on the department’s list of registered products once they have been registered with the department.

G. No consumable hemp product shall be registered if one or more of the following conditions concerning dosage vehicles apply:

1. it is explicitly or clearly intended or characterized as being for inhalation, or to facilitate same;

2. it is explicitly or clearly intended or characterized as being for subcutaneous or transdermal use, or to facilitate same;

3. it is explicitly or clearly intended or characterized as being for intravenous or intramuscular infusion or injection, or to facilitate same;

4. it is explicitly or clearly intended or characterized as being for rectal or vaginal insertion, including, but not limited to, vaginal or anal suppositories; this prohibition shall not apply to products that are topical personal lubricants; or

5. it includes floral hemp material, or constitutes a vape cartridge, vape pen, e-cigarette or a substantially similar item designed to facilitate inhalation; or

6. it is an alcoholic beverage as defined in R.S. 26:2.

H. ...

I. The department shall not register any consumable hemp product whose sale in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder. Except as

provided in Subsection J of this Section, the department shall only register consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been issued by the department; any existing registration of consumable hemp products manufactured in a facility for which a consumable hemp processor permit has been not been issued by the department shall be deemed to meet the criteria for revocation under an Emergency Order pursuant to §518.D of this Chapter. This Subsection shall take effect on July 15, 2025.

J. Notwithstanding any provision of this Chapter to the contrary, a consumable hemp product manufactured in a facility for which a consumable hemp processor permit has not been issued by the department may be registered only by a person holding a consumable hemp processing permit issued by the department for a facility located in Louisiana, who shall ensure that the manufacturer meets all applicable requirements of §516 of this Chapter, that the facility meets applicable sanitary and manufacturing requirements substantially equivalent to those set forth in LAC 51, Part VI, and that such product meets all applicable requirements of this Chapter and of Part VI of Chapter 10-a of R.S. Title 3. Such person must have access to and retain for at least three years the records required by §521 of this Chapter, and shall make such records available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended, LR 47:479 (April 2021), LR 48:1290 (May 2022), LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§518. Revocation of a Consumable Hemp Product Registration

A. The department may revoke the registration of a consumable hemp product if:

1. - 2. ...

3. the product, including any accessories or physical items included therewith, is materially modified in a way that makes the photographs, renderings, or specimen submitted in connection with the registration no longer an accurate depiction thereof;

4. the product, product label, product packaging, or product marketing no longer complies with the prerequisites for registration set forth in, or otherwise violates any applicable provision or requirement of, this Chapter or Part VI of Chapter 10-a of R.S. Title 3;

5. The manufacturer of the product fails to comply with any requirement of this Chapter concerning the product, including §521; or

6. The sale of the product in Louisiana is prohibited under Part VI of Chapter 10-a of R.S. Title 3, particularly 3:1484(A)(3), 3:1484(B)(1)(b)(iii), and 3:1484(B)(4), or any rules of the department promulgated thereunder.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:1941 (November 2023), amended LR 51:

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. Consumable hemp products must bear labeling that includes a scannable bar code, QR code, or a web address linked to a document or website containing the certificate of analysis for that product.

B. - C.4. ...

5. a cannabinoid profile for the finished product listing all major cannabinoid constituents by percentage of dry weight;

6. - 9. ...

10. the amount of any detected heavy metal traces in the product in parts per million; detections may not meet or exceed the following amounts:

- a. arsenic (As)—10 ppm;
- b. cadmium (Cd)—4.1 ppm;
- c. lead (Pb)—10 ppm;
- d. mercury (Hg)—2 ppm;

11. a cannabinoid profile for the “active ingredient” (cannabinoid-containing distillate or isolate used in formulating the finished product) listing all major cannabinoid constituents by percentage of dry weight.

D. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:480 (April 2021), LR 48:1291 (May 2022), amended LR 48:2982 (December 2022), amended LR 50:395 (March 2024), LR 51:

§521. Distillate Potency Test; Batch Testing; Certificates of Analysis

A. A consumable hemp processor or manufacturer shall obtain a certificate of analysis (COA) of the distillate or concentrate used to produce any consumable hemp product. The COA shall include the information required by §519.C.5 of this Chapter.

B. A manufacturer shall obtain a COA of each batch of consumable hemp product that it manufactures. The COA shall include the information required by §519.C.1-10 of this Chapter.

C. A consumable hemp processor or manufacturer shall not sell or distribute in Louisiana any consumable hemp product from a batch whose COA indicates an exceedance of any of the maximum contaminant limits set forth in §519.C.1-10 of this Chapter or indicates that the product otherwise violates any requirements of this Chapter or Part VI of Chapter 10-a of R.S. Title 3.

D. The COAs required by this Section shall be retained for at least three years and shall be made available to the department upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§527. Consumable Hemp Products Labeling Requirements: Marketing for Inhalation Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended LR 48:1291 (May 2022), repealed LR 51:

§529. Consumable Hemp Products Packaging Requirements: Hemp Flower Packaging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1291 (May 2022), repealed LR 51:

§531. Consumable Hemp Products Labeling Requirements: Adult-Use Products

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2983 (December 2022), repealed LR 51:

§533. Consumable Hemp Products Labeling and Packaging Requirements: Serving Sizes, Packaging Limits, and THC Content

A. Labeling must clearly indicate the amount of THC per serving in a product, the serving size, and the number of servings per package.

B. Consumable hemp beverages must meet the following requirements:

1. a serving must be 12 fluid ounces or greater;
2. a serving must not include more than 5 mg THC;
3. a container may not contain more than one serving;
4. a container must be tamper-evident;
5. a package may not include more than four containers.

C. Consumable hemp tinctures must meet the following requirements:

1. a serving must be one milliliter and may not contain more than one milligram of THC;
2. a container may not exceed 30 mL;
3. containers must include a dropper that readily dispenses precisely one serving.
4. tinctures must be oil-based and may not include any concentrated water-soluble liquid that can be consumed directly or added to any food or beverage
5. packaging must be child-resistant by design.

D. Products other than beverages and tinctures must meet the following requirements:

1. an individual serving must not include more than 5 mg THC;
2. a package must not contain more than 40 mg THC;
3. packaging must be child-resistant by design;
4. each serving must be a discrete unit.

E. Packaging of consumable hemp products may not be designed explicitly to appeal to children by means of the employment of naming, branding, or use of a logo bearing a

substantial similarity to that of conventional food or beverage products already on the market.

F. Labeling on THC-containing products must bear a disclaimer that consumption of such products may cause the user to fail a pre-employment or routine drug screen.

G. Nonedible topical consumable hemp products shall not be subject to the requirements of this Section.

H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2982 (December 2022), LR 49:1940 (November 2023), LR 51:

§534 Consumable Hemp Products Labeling Requirements; THC Content

A. Labels on consumable hemp products must accurately reflect the contents of the packaging with a variation of no greater than fifteen percent. This fifteen percent variance allowance shall not be construed to allow a product to exceed the THC content maximum limits, including the per serving maximums, set forth in Part VI of Chapter 10-a of R.S. Title 3 and §533 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§535. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §531]

A. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by R.S. 3:1482 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:1291 (May 2022), LR 48:2983 (December 2022), LR 51:

§539. Additional Enforcement Provisions

A. The department may, randomly or based upon a complaint, procure a COA on a specimen of any registered consumable hemp product offered for sale in Louisiana to determine compliance with applicable requirements of this Chapter and Part VI of Chapter 10-a of R.S. Title 3. An appropriate Chain of Custody document shall be utilized for such purpose.

B. If a COA obtained in accordance with Subsection A of this Section shows that the product does not meet the requirements of this Chapter or Part VI of Chapter 10-a of R.S. Title 3, the registration of such product may be revoked by order issued pursuant to §518 of this Chapter, which order shall note the costs paid to procure the COA, including laboratory and shipping costs. Such product shall not thereafter be registered by any person for two years.

C. If the department revokes a product registration pursuant to Subsection B of this Section, the registration holder shall reimburse the department for the costs paid to procure the COA within 30 days of the revocation becoming final (i.e. not subject to further appeal or review). If such reimbursement is not received within 30 days, the

registration holder shall additionally owe the department a civil penalty equal to three times the costs paid to procure the COA. If such additional civil penalty is not paid within 30 days of demand, the department may revoke all other product registrations held by the registration holder.

D. The department may revoke all other consumable hemp product registrations held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not accept any product registrations from such person or related entity, nor register any product manufactured by such person or related entity.

E. The department may revoke all consumable hemp processor permits held by a person who has more than two consumable hemp products registrations revoked by the department within a two-year period. For three years thereafter, the department shall not issue a consumable hemp processor permit to such person or to any related entity.

F. If the department revokes within a two-year period the registration of more than two consumable hemp products produced by a manufacturer, then the registration of all other consumable hemp products produced by such manufacturer may also be revoked. For three years thereafter, the department shall not register any products produced by such manufacturer or related entity.

G. A revocation of a consumable hemp product registration that occurs solely due to a change in law shall not be considered a revocation for the purposes of Subsections D, E, and F of this Section.

H. The provisions of this Section shall apply to the extent that they are more specific than any conflicting general enforcement provisions set forth in this Chapter or Title.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1483 and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than October 10, 2025 at COB, 4:30 p.m., and should be addressed to Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Friday, October 10, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 10 a.m. on Monday, October 27, 2025, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Friday, October 10, 2025. 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.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule

change. The cost for the Office of Public Health is approximately \$905 in FY 26 for the notice and rule publication in the *Louisiana Register*.

The proposed rule updates and strengthens the regulatory framework for consumable hemp products, as required by Act 752 of the 2024 Regular Session. The rule amends definitions, creates new permitting requirements for in-state and out-of-state processors, and establishes registration procedures for individual hemp products. It also sets standards for labeling, packaging, serving sizes, and THC content, and requires testing and certificates of analysis to ensure safety and compliance. The rule repeals outdated provisions and adds new enforcement measures, including penalties and product registration revocations for noncompliance.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent that enforcement of this rule results in civil penalties owed to the department under LAC 49:I.Chapter 5, Section 539, state revenue collections are expected to increase by a marginal amount. Additional revenues may also be generated from permit fees collected from out-of-state hemp processors newly eligible under the rule, as well as from product registration fees required for each consumable hemp product marketed in Louisiana. While the precise amount cannot be determined in advance, collections are anticipated to increase modestly based on the volume of out-of-state permit applications, product registrations, and penalties assessed for noncompliance.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule will significantly restrict the types of consumable hemp products that may be sold in Louisiana, which will reduce the variety of products available to consumers and negatively affect industry stakeholders. Manufacturers may incur costs to reformulate or repackage products to comply with new THC content, serving size, and labeling requirements. In addition, the rule restricts product registration to firms that hold a valid permit from the department, further limiting market participation. Businesses that fail to comply could face revocation of product registrations. While these changes may impose costs on affected firms, the rule is intended to improve consumer safety and ensure consistency in the regulation of hemp products.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Tonya Joiner
Assistant Secretary
2509#073

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Radiologic Technology Board of Examiners**

Radiologic Technologists
(LAC 46:LXVI.301, 305, 1121, 1129, and 1201)

Notice is hereby given that the Radiologic Technology Board of Examiners, pursuant to the authority of the Louisiana R.S. 37:3207 and in accordance with the provisions of the Louisiana Administrative Procedures Act, R.S. 49:950 et seq., intends to amend its rules to include updates to the language of its existing rules to reflect

updated processes and procedures. Additionally, revisions to the rules governing temporary permits—LAC 46: LXVI.1129, Fusion Technology Temporary Permits, and 1201. Continuing Education Requirements—are being proposed. These changes are made pursuant to R.S. 37: §3220, §1127, and §1129, which authorize the promulgation of rules for permits issued for specific purposes. The proposed rules establish limitations on the types of radiologic activities that may be performed and the scope of services that may be provided to patients under such permits. The current rule only allows for a Nuclear Medicine Technologist to gain supervised experience to sit for the American Registry of Radiologic Technologists (ARRT) Computed Tomography (CT) exam. The proposed Rule change will allow Nuclear Medicine technologists to gain supervised experience required to become eligible for the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board's (NMTCB) Computed Tomography (CT) exam. The intent of this permit is to authorize technologists to perform computed tomography imaging only in conjunction with fusion equipment under licensed technologist supervision. Permitted, as well as licensed fusion technologists may not perform standalone CT exams as diagnostic CT technologists.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVI. Radiologic Technologists

Chapter 3. The Board of Examiners

§301. Officers of the Board

A. - C.3. ...

4. The secretary-treasurer shall give notice of all meetings of the board. The secretary-treasurer shall attend all meetings of the board and shall record all votes and the minutes of all proceedings in a book to be kept for that purpose. The secretary-treasurer shall, in coordination with the executive director, exercise supervision of all monies received by the board, including application fees, license fees, renewal fees, fines, penalties, and other payments. The secretary-treasurer shall, in coordination with the executive director, be responsible for the preparation of an annual budget of the board, which budget shall be subject to the approval of the board. The secretary-treasurer shall, with the chairman, sign all original licenses issued by the board. The secretary-treasurer shall perform such other duties as may be prescribed by the board under whose supervision (s)he shall be.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3204 and R.S. 37:3207.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:868 (September 1985), amended by the Department of Health, Radiologic Technology Board of Examiners LR 51:

§305. Meetings of the Board

A. ...

B. The chairman of the board shall have the authority to call other meetings of the board to carry out the business of the board, provided that written notice of such meetings be mailed or emailed to the last known address of all members of the board at least 15 days before such meeting.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3205 and R.S. 37:3207.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:868 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 40:2262 (November 2014), amended by the Department of Health, Radiologic Technology Board of Examiners LR 51:

Chapter 11. Licensure

§1121. Renewal of a License

A. Every person licensed by this board shall renew his/her license every two years upon application and payment of a renewal fee.

B. Notification for renewal of a license shall be emailed prior to expiration by the board to each person holding a license issued under these rules and regulations. Such notification shall be emailed to the most recent email address as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3215 and R.S. 37:3207.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:874 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 40:2264 (November 2014), amended by the Department of Health, Radiologic Technology Board of Examiners LR 51:

§1129. Fusion Technology Temporary Permit

A. The board may issue a temporary permit to an applicant seeking to practice fusion technology for the purpose of obtaining the clinical experience requirements in order to qualify to sit for the required American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB) Computed Tomography (CT) certification examination, provided that the applicant:

1. possess a current unrestricted license to practice nuclear medicine technology;
2. has submitted a board approved clinical training agreement to the board;
3. has completed four ARRT/Board approved CE credit hours in contrast media/drug administration;
4. satisfies the applicable fees prescribed in these rules and the Radiologic Technology Practice Act.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(B)(2).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 38:98 (January 2012), amended LR 40:2264 (November 2014), amended by the Department of Health, Radiologic Technology Board of Examiners LR 51:

Chapter 12. Continuing Education Requirements

§1201. Definitions

* * *

Approved Continuing Education Activity—an educational activity which has received approval through a recognized continuing education evaluation/mechanism.

1. Other activities that meet the definition of an approved continuing education activity are the approved entry-level exams. Examples are:

- a. ARRT examination in radiography;

b. ARRT examination in Limited Scope of Radiography for Limited X-ray Machine Operator permits only

c. ARRT or NMTCB examination in nuclear medicine technology;

d. ARRT examination in radiation therapy technology;

e. MDCB examination in dosimetry;

f. ARDMS examination in diagnostic medical sonography; vascular technology or diagnostic cardiac sonography.

2. The advanced-level examinations considered acceptable continuing education activity are:

a. ARRT examination in cardiovascular-interventional technology;

b. ARRT examination in mammography;

c. ARRT or NMTCB examination in computed tomography;

d. ARRT examination in magnetic resonance imaging;

e. other ARRT examinations as developed and implemented.

3. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(B)(2).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 21:178 (February 1995), amended LR 23:71 (January 1997), LR 40:2264 (November 2014), amended by the Department of Health, Radiologic Technology Board of Examiners, LR 42:2190 (December 2016), amended LR 51:801 (June 2025), amended by the Department of Health, Radiologic Technology Board of Examiners, LR 51:

Family Impact Statement

After considering R.S. 49:972, it is anticipated that the proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

It is anticipated that 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 is no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

After considering HCR 170 of the 2014 Regular Legislative Session, it is anticipated that the proposed Rule should not have any known or foreseeable impact on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to the Executive Director, Louisiana State Radiologic Technology Board of Examiners, at 3108 Cleary Avenue, Suite 207, Metairie, LA 70002, or via email to execdirector@lsrtbe.org. Comments will be accepted until 4 pm on October 10, 2025.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to the Executive Director, Louisiana State Radiologic Technology Board of Examiners, at 3108 Cleary Avenue, Suite 207, Metairie, LA 70002, or via email to execdirector@lsrtbe.org; however, such request must be received no later than 4 pm on October 10, 2025. Any person wishing to attend should call to confirm that a hearing is being held by calling 504-838-5231.

Hollie Taranto, M.B.A., R.T. (R)
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Radiologic Technologists

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Radiologic Technology Board of Examiners is approximately \$750 in FY 26 for the notice and rule publication in the *Louisiana Register*.

The proposed rule changes update the language of existing regulations to reflect current processes and procedures. Specifically, additional revisions are being made to the rules governing temporary permits under LAC 46: LXVI.1129 – Fusion Technology Temporary Permits. These changes are

being proposed in accordance with the authority granted by La. R.S. 37: Sections 3220, 1127, and 1129, which authorize the promulgation of rules relating to permits issued for specific purposes. These rules establish limitations on the types of radiologic activities that may be performed and define the scope of services that may be provided to patients under such permits. The proposed rule change will allow Nuclear Medicine Technologists to gain supervised experience required to become eligible for the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board's (NMTCB) Computed Tomography (CT) exam. The intent of this permit is to authorize technologists to perform computed tomography imaging only in conjunction with fusion equipment under licensed practitioner supervision. Permitted, as well as fusion licensed, individuals may not perform stand-alone CT exams as diagnostic CT technologists.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes by the Louisiana State Radiologic Technology Board of Examiners (LSRTBE) are expected to yield economic benefits without imposing new costs. By updating regulatory language to reflect current procedures, the LSRTBE anticipates saving approximately \$4,000 annually in printing and postage, as license renewals notices will now be delivered electronically rather than mailed. Also, by recognizing the NMTCB CT exam for the Fusion Imaging Permit, job opportunities may expand modestly by allowing more qualified technologists, particularly those from states that already accept the NMTCB credential, to become licensed in Louisiana. While this reciprocity helps reduce barriers for professionals relocating across states, the expected increase in the labor pool is limited given the national shortage of technologists. The change primarily supports workforce mobility, making it easier for nuclear medicine technologists who hold NMTCB credentials but lack ARRT certification to qualify for the Fusion Permit. This may ease recruitment challenges, particularly for small healthcare providers, by reducing hiring costs and helping facilities retain qualified staff. Overall, the rule change is projected to produce modest cost savings for the Board, remove barriers to licensure, and improve flexibility in addressing staffing needs across the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Through the Louisiana State Radiologic Technology Board of Examiners (LSRTBE) recognizing the NMTCB CT exam for the fusion permit, the proposed rule change aligns state policies with national standards and removes barriers for qualified technologists. While this reciprocity allows for modest expansion of the labor pool, it does not create a large influx of workers because there is a national shortage of technologists. The change primarily benefits Louisiana by making it easier for existing professionals, both in-state and out-of-state, to qualify and practice. This proposed rule change allows professional mobility, reduces staffing gaps, and provides facilities with more flexibility in meeting healthcare demands.

Hollie Taranto
Executive Director
2509#032

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 25—Sale of Stock to Public; Stock Options (LAC 37:XIII.Chapter 73)

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 repeal Regulation 25—Sale of Stock to Public; Stock Options. The Department of Insurance is repealing Regulation 25 due to outdated law.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 73. Regulation 25—Sale of Stock to Public; Stock Options

§7301. Sale of Stock; Stock Options

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, May 28, 1964, repealed LR 51:

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 children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., October 10, 2025.

Timothy J. Temple
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation 25—Sale of Stock to Public;
Stock Options**

**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 proposed rule change repeals Regulation 25, which was to provide information to insurance companies regarding the sale of stock to the public and to stock options. This rule is being repealed due to obsolete law.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no impact on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule change will have no economic benefit to directly affected persons, small business, or non-governmental groups. This rule is being repealed due to obsolete law.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change will have no impact upon competition and employment in the state.

Christopher Cerniauskas
Chief of Staff
2509#025

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 106—Replacement of Limited Benefit Insurance
Policies (LAC 37:XIII.14901 and 14905)**

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 106.

The purpose of the amendment to Regulation 106 is to provide the correct authority granted under the Insurance Code, specifically R.S. 22:1964(28), which prohibits the deliberate use of misrepresentation or false statements by insurance producers for the purpose of convincing a customer to replace a limited benefit insurance policy and directs the Commissioner of Insurance to promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

**Title 37
INSURANCE**

Part XIII. Regulations

**Chapter 149. Regulation Number 106—Replacement of
Limited Benefit Insurance Policies**

§14901. Purpose

A. Regulation 106 implements the provisions of Act 844, of the 2014 Regular Session of the Louisiana Legislature, specifically R.S. 22:1964 (28) which mandates that the Department of Insurance promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S.22:47(2)(c).

B. - B.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:2009 (November 2018), amended LR 51:

§14905. Authority

A. Regulation 106 is promulgated by the commissioner pursuant to the authority granted under the Insurance Code, R.S. 22:1 et seq., particularly R.S. 22:11, and specifically R.S. 22:1964 (28).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 44:2009 (November 2018), amended LR 51:

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 children 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.

5. 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, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed 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 Danielle Linkford Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., October 10, 2025.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 106—Replacement of Limited Benefit Insurance Policies

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 proposed rule change provides the correct authority granted under the Insurance code, R.S. 22:1964(28). This prohibit the deliberate use of misrepresentation or false statements by insurance producers for the purpose of convincing a customer to replace a limited benefit insurance policy and directs the Commissioner of Insurance to promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit directly affected persons by prohibiting the deliberate use of misrepresentation or false statements by insurance producers for the purpose of convincing a customer to replace a limited benefit insurance policy and directs the Commissioner of Insurance to promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact upon competition and employment in the state.

Christopher Cerniauskas
Chief of Staff
2509#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 112—Adoption of NAIC Handbooks,
Guidelines, Forms, and Instructions
(LAC 37:XIII.Chapter 161)

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 112.

The purpose of the amendment to Regulation 112 is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 161. Regulation Number 112—Adoption of NAIC Handbooks, Guidelines, Forms and Instructions

§16101. NAIC Handbooks, Guidelines, Forms and Instructions Incorporated by Reference

A. ...

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. The Financial Condition Examiner's Handbook, 2024 edition.

2. The Annual and Quarterly Statement Instructions, Property and Casualty, 2024 edition.

3. The Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2024 edition.

4. The Annual and Quarterly Statement Instructions, Health, 2024 edition.

5. The Annual and Quarterly Statement Instructions, Title, 2024 edition.

6. The Annual and Quarterly Statement Instructions, Fraternal, 2024 edition.

7. The Annual and Quarterly Statement Blanks, Property and Casualty, 2024 edition.

8. The Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2024 edition.

9. The Annual and Quarterly Statement Blanks, Health, 2024 edition.

10. The Annual and Quarterly Statement Blanks, Title, 2024 edition.

11. The Annual and Quarterly Statement Blanks, Fraternal, 2024 edition.

12. The Accounting Practices and Procedures Manual, 2024 edition.

13. The Financial Analysis Handbook, 2024 edition.

14. The Own Risk and Solvency Assessment Guidance Manual, 2024 edition.

15. The Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2024 edition.

16. The Risk-Based Capital Forecasting and Instructions, 2024 edition.

17. The Market Regulation Handbook, 2024 edition.

C. - D.3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 619(B), 640(B), 661(A), 675, 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), amended LR 47:1328 (September 2021), LR 48:2299 (September 2022), amended LR 49:1410 (August 2023), amended LR 51:73 (January 2025), amended LR 51:

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 children 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, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., October 10, 2025.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes incorporate and reference the current editions of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code. The current editions of these publications serve as the most current professional guidance for entities regulated by the LA Dept. of Insurance (LDI).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently being incorporated by reference that serve as professional guidance for entities under the purview of LDI. These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no impact upon competition and employment in the state.

Christopher Cerniauskas
Chief of Staff
2509#007

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 117—Submission of Contact Information for Risk-Bearing Entities (LAC 37:XIII.17505)

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 117.

The purpose of the amendment to Regulation 117 is to make it mandatory to include disaster complaints and insurance fraud contact information for risk-bearing entities.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 175. Regulation Number 117—Submission of Contact Information for Risk-Bearing Entities

§17505. Required Contacts

A. The following shall be required contacts for each risk-bearing entity:

1. an individual responsible for the receipt of and response to consumer complaints filed with the department;
2. an individual responsible for the receipt of rules, regulations or other directives from the commissioner;
3. an individual responsible for the receipt of and response to inquiries from the department regarding the financial condition of the entity;
4. an individual responsible for the receipt of and response to inquiries from the department regarding tax payments;
5. an individual responsible for the receipt of and response to inquiries from the department regarding data security and data breaches;
6. an individual responsible for the receipt of and response to inquiries from the department in the event of a catastrophe or disaster;
7. an individual responsible for the receipt of and response to inquiries from the department regarding market conduct issues;
8. an individual responsible for the receipt of and response to inquiries from the department regarding disaster complaints;

9. an individual responsible for the receipt of and response to inquiries from the department regarding insurance fraud.

B. The risk-bearing entity may designate more than one individual to meet any one of the requirements of this section.

C. The risk-bearing entity may designate one individual as its primary contact to satisfy any one or more of the required contact requirements.

D. If the phone number provided is a general phone number of the risk-bearing entity, the contact information submitted shall include the extension of the individual.

E. The commissioner may provide additional contact types for which a risk-bearing entity may submit contact information to facilitate communication with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:41.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:1646 (November 2021), amended LR 51:

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 children 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.

5. 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, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed 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 Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., October 10, 2025.

Timothy J. Temple
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Regulation 117—Submission of Contact
Information for Risk-Bearing Entities**

**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 proposed rule changes make it mandatory to include disaster complaints and insurance fraud contact information for risk-bearing entities.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will have no impact on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule change will benefit directly affected persons by making it mandatory to include disaster complaints and insurance fraud contact information for risk-bearing entities.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed regulation will have no impact upon competition and employment in the state.

Christopher Cerniauskas
Chief of Staff
2509#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Disaster Remediation Program (LAC 22:I.340)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of Section 340, Disaster Remediation Program.

The Department of Public Safety and Corrections, Corrections Services, proposes to make minor terminology changes to this regulation, such as, changing offender to inmate and unit and/or institution to facility.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§340. Disaster Remediation Program

A. Purpose—to state the secretary's policy regarding a disaster remediation program for eligible inmates to participate in emergency disaster relief efforts and to provide procedures regarding housing for those inmates who participate in such relief efforts.

B. Applicability—deputy secretary, undersecretary, assistant secretary, chief of operations, regional wardens,

wardens, Director of Probation and Parole and Director of Prison Enterprises. Each unit head is responsible for ensuring that appropriate facility written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy—it is the secretary's policy to establish a disaster remediation program for inmates to repair the damage done following a natural disaster or emergency. The use of inmate labor shall augment governmental personnel, private sector firms and community volunteers conducting remediation activities during the period immediately after such disaster. Inmate labor shall not replace existing employees, be utilized on a project or job involved in a labor dispute or supplant post disaster remediation activities that may otherwise be performed under contract by private sector firms employed by an affected individual or governmental entity.

D. Definitions

Advance Support Team—advance support teams secure appropriate housing, coordinate the delivery of necessary supplies, and address and/or assess current situations and conditions, as well as assess future needs. The team shall consist of a security supervisor and maintenance staff member. Other staff and/or inmates may be included as deemed necessary by the chief of operations, regional wardens and/or the warden.

Minimum Custody—general population dormitory housing area. Movement outside of a secure perimeter is usually authorized without armed supervision or restraint. Facility procedure governs the level of staff supervision when outside the secure perimeter, as well as internal movement controls.

Inmate Crews—offender crews may be composed of any inmates that are classified as minimum custody at their assigned housing unit, excluding inmates prohibited from participation as provided for in Subsection E. Eligible inmates are subject to placement on the crews regardless of their usual work assignment. Additionally, inmates are required to be on a regular duty status and be medically capable of performing emergency disaster relief work.

E. Statutory Ineligibility for Participation. Inmates shall not be eligible to participate in a disaster remediation program if the inmate was convicted of a crime defined or enumerated as a crime of violence in R.S. 14:2(13) or the inmate was convicted of a sex offense as defined in R.S. 15:541(24).

F. Pre-Deployment

1. Each warden shall determine the approximate number of inmates available for assignment to an inmate crew and develop appropriate inmate and staffing rosters. Information concerning the number of crews available from each facility shall be forwarded by the warden or designee each May to the chief of operations for inclusion in the Incident Management Center (IMC) Resource Manual.

2. Inmate crews shall not exceed ten inmates for each correctional officer supervising them.

3. In accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, after the governor has declared a disaster or emergency pursuant to executive order or proclamation, a disaster remediation program may be established in the parish where the work will be performed.

4. At the direction of the secretary or designee, the IMC shall contact the appropriate warden with information relative to disaster relief needs of the affected area and/or the necessity of establishing a disaster remediation program.

5. Upon receiving the instructions from the IMC, the warden shall activate the advance support team, other necessary personnel and inmate crews.

6. Inmate crews that are deployed to a community or area more than two hours travel time from the facility or for an extended period may require housing in that area. The advance support teams shall coordinate with the parish Office of Emergency Preparedness (OEP), local law enforcement and the district probation and parole office for accessing available housing resources.

G. Deployment

1. The rank structure for supervision of a disaster remediation effort shall be determined by the appropriate regional warden and the facility warden shall ensure that logs of inmate crew activities are maintained.

2. The facility warden shall be responsible for providing transportation for each inmate crew. In addition, each facility shall be responsible for providing their own communications equipment such as 700 radios, cell and/or satellite telephones and an EMT or nurse to provide emergency medical care to the inmate crews in the area as may be required.

3. The facility warden shall ensure that supervising staff receives documentation for each inmate crew member that includes an identification picture and master prison record. In addition, supervising staff shall receive any medications that the inmates may have been prescribed.

4. Inmate crew remediation assignments shall be coordinated by facility personnel on site through the state and/or local OEP. This information shall be forwarded to the facility the IMC and local law enforcement.

5. The IMC may coordinate with the Division of Probation and Parole for any additional security support needed at a disaster remediation site.

6. If the situation or conditions dictate, a centralized supply location or warehouse may be established to support inmate work crews.

H. Good Time Credit. Inmates participating in the disaster remediation program shall be eligible to earn 30 days of good time credit in addition to that otherwise authorized by law for every 30 days of service in this program. Therefore, each facility shall maintain records of the inmates assigned to the work crews and the number of days worked. These records shall be forwarded to the records office at the facility to determine the amount of good time to be awarded to the inmate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:665 (April 2007), amended LR 37:1174 (April 2011), LR 51:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, 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 poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

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.

Public Comments

Written comments may be addressed to Shirley Bonnett, Policy Division, Department of Public Safety and Corrections, Corrections Services, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. October 10, 2025.

Gary E. Westcott
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Disaster Remediation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, proposes to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part I: Corrections, Chapter 3: Adult Services, Section 323 – Special Agents.

The proposed rule change removes sections regarding private prisons, adds a section regarding employees transferring between facilities (with a warden's discretion to issue a new special agent card), changes the term "employee termination" to "employment status change," changes the term "unit" and/or institution to facility, as well as, other technical and/or minor changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated cost and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Gary E. Westcott
Secretary
2509#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Louisiana Fortified Roof Tax Credit Program and Construction Code Retrofitting Deduction (LAC 61:I.1935 and 1937)

Under the authority of R.S. 47:293(2)(d), 1511, and 6044, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division proposes to adopt LAC 61:I.1935 and 1937. These rules are necessary to effectively administer R.S. 47:293(2) relative to the Louisiana construction code retrofitting deduction, as amended by Act 473 of the 2025 Regular Session of the Louisiana Legislature, and R.S. 47:6044 relative to the Louisiana fortified roof tax credit program enacted by Act 404 of the 2025 Regular Session.

Revised Statute 47:293(2)(a)(i) authorizes a construction code retrofitting deduction equal to 50 percent of the cost of qualifying improvements made to voluntarily retrofit a taxpayer's primary residence to comply with the State Uniform Construction Code or the FORTIFIED home standards of the Insurance Institute for Business and Home Safety. The deduction is limited to \$10,000 per retrofitted residential structure and must be claimed for the tax year in which the retrofitting is completed.

Revised Statute 47:6044 establishes a nonrefundable income tax credit for Louisiana resident taxpayers who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety, on their primary residence. The credit is equal to the amount of qualified expenses, up to \$10,000 per residence, and applies only to certain owner-occupied homes with a homestead exemption. Credits which exceed the taxpayers liability may be carried forward for up to three years but cannot be claimed in combination with other state tax benefits or fortified roof grant funds received pursuant to R.S. 22:1483.1. The program is capped at \$10 million in credits per fiscal year, allocated on a first-come, first-served basis, with proration required if the amount of requests received exceed available credit cap space.

The proposed Rule outlines the requirements for earning and the processes for claiming the construction code retrofitting deduction and the fortified roof tax credit.

Title 61

REVENUE AND TAXATION

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

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1935. Louisiana Fortified Roof Tax Credit Program

A. General

1. Revised Statute 47:6044 authorizes a nonrefundable income tax credit for Louisiana residents who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety, on qualifying property owned by the taxpayer for which the resident taxpayer claims a homestead exemption.

B. Definitions

1. Terms not otherwise defined in this Section shall have the meaning given to them in R.S. 47:6044, unless the context clearly indicates otherwise.

2. For purposes of this Section, the following words have the meanings provided herein, unless the context clearly indicates otherwise.

Department—the Louisiana Department of Revenue.

FORTIFIED—a program of the IBHS.

FORTIFIED Designation—a written certificate issued by the IBHS confirming that a qualifying property meets or exceeds the IBHS fortified roof standards.

FORTIFIED Home Evaluator—an independent, third party who has completed the FORTIFIED training requirements and is certified by the IBHS as a home evaluator who can certify that a home meets the FORTIFIED roof standards. A list of certified home evaluators can be found at www.fortifiedproviders.com.

Insurance Institute for Business and Home Safety (IBHS)—a non-profit research and communications organization of the property and casualty insurance industry that defines the fortified roof standards for homes, information for which can be found at www.fortifiedhome.org.

LFRTCP-Approved Contractor—a contractor listed in the IBHS Directory at www.fortifiedproviders.com who meets the program requirements of this Section.

Louisiana Fortified Roof Tax Credit Program (LFRTCP)—a program enacted by Act 404 of the 2025 Regular Session, administered by the department, to provide an individual income tax credit to incentivize homeowners to retrofit roofs of insured property, as defined in R.S. 22:1483(C)(9), with a homestead exemption utilizing construction techniques demonstrated to reduce losses caused by a hurricane, tornado, or other catastrophic windstorm event and that meet or exceed the IBHS FORTIFIED roof standard, information for which can be found at www.ibhs.org.

C. Credit Eligibility Requirements. All of the following requirements shall be met to earn the credit:

1. The home shall be a qualifying property in good repair unless damaged by a hurricane, non-hurricane wind, or hail.

2. The fortification work shall comply with the requirements of Subsection D.

3. The taxpayer shall be responsible for paying a certified home evaluator of the homeowner's choice to provide an IBHS home evaluation as well as all other costs and fees necessary to satisfy the requirements of this Section, including, but not limited to, legally required permits or inspections. These expenses shall not constitute qualifying expenses for purposes of the credit.

D. Fortified Roof Installation Requirements

1. Prior to installation, a FORTIFIED home evaluator of the homeowner's choice must provide the homeowner with an IBHS home review evaluation of the home seeking to be FORTIFIED.

2. The FORTIFIED home evaluator shall determine whether the home meets a minimum structural standard on a pass-fail basis before identifying all improvements required to meet or exceed the FORTIFIED roof standard. Thereafter, the FORTIFIED home evaluator shall summarize his findings in a report and provide a copy to the homeowner.

3. After meeting the requirements of Paragraph (1) and (2) of this Subsection, the taxpayer must contract with an LFRTCP-approved contractor to fortify the home. Once the LFRTCP-approved contractor completes the fortification work on the home, the contractor must provide the taxpayer with a copy of the signed contract, a final invoice, and a completed Form R-90157-B, LFRTCP Qualifying Expenses.

4. After meeting the requirements of Paragraphs (1), (2), and (3) of this Subsection, a certified home evaluator will perform all required evaluations to confirm that the LFRTCP-approved contractor completed the fortification work according to the IBHS FORTIFIED roof standard. Thereafter, the IBHS shall review the evaluation and determine whether to issue a FORTIFIED designation.

E. Documentation Requirements

1. To apply for the Louisiana fortified roof tax credit, a resident taxpayer shall complete and submit Form R-90157, Application for Louisiana Fortified Roof Tax Credit together with Form R-90157-B, LFRTCP Qualifying Expenses which has been completed by the LFRTCP-approved contractor who performed the fortification work. Completed applications must be submitted electronically through the Louisiana Taxpayer Access Point (LaTAP) and shall include all of the following supporting documents:

a. A copy of the report prepared by a FORTIFIED home evaluator which identifies all improvements required to meet or exceed the FORTIFIED roof standard.

b. A copy of the signed contract with an LFRTCP-approved contractor.

c. A copy of the final invoice issued by the LFRTCP-approved contractor.

d. A copy of the FORTIFIED designation which lists the date of certification.

2. The Department shall notify each taxpayer that submitted a timely and complete application as to whether the application has been approved or denied. If approved, the notice shall indicate the amount of credit earned and the taxable periods against which the nonrefundable credit(s) may be used. If denied, the notice shall provide the reasons for denial.

3. An application shall not be considered complete until all documentation requested by the department has been received. Failure to respond within 60 days of a request for documentation from the department will result in denial of the application and require the submission of a new application with an updated application date.

F. Contractor Eligibility Requirements

1. To be eligible to work as an LFRTCP contractor, the contractor must meet all of the following program requirements:

a. holds a valid residential license or home improvement registration issued by the Louisiana State Licensing Board for Contractors (LSLBC) and be in good standing with the LSLBC.

b. holds any other valid state or jurisdictional business licenses or work permits required by law in Louisiana.

c. maintains a general liability policy with \$1,000,000 in liability coverage.

d. maintains a workers' compensation policy in compliance with Louisiana law.

e. holds a FORTIFIED certification issued by the IBHS or its successor.

f. is listed on the IBHS Directory as an approved contractor at www.fortifiedproviders.com.

g. complies with all regulatory and tax laws regulating businesses in the state of Louisiana.

G. Conflicts of Interest

1. LFRTCP-approved contractors

a. LFRTCP-approved contractors cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. LFRTCP-approved contractors cannot be the FORTIFIED home evaluator for a FORTIFIED designation on any project eligible for the LFRTCP.

2. FORTIFIED home evaluators

a. FORTIFIED home evaluators cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. FORTIFIED home evaluators cannot be the LFRTCP-approved contractor or supplier of any material, products, or systems installed in any home they inspect for FORTIFIED designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:6044.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:

§1937. Construction Code Retrofitting Deduction

A. General Provisions

1. Pursuant to R.S. 47:293(2)(a)(i), a deduction is allowed for 50 percent of the cost paid or incurred by a taxpayer to voluntarily retrofit the taxpayer's primary residence to comply with either the State Uniform Construction Code (SUCC) or the FORTIFIED home standards developed by the Insurance Institute for Business and Home Safety (IBHS).

B. Definitions

1. The definitions set forth in R.S. 47:293(2)(a)(1) shall apply for purposes of this Section.

2. In addition, and unless inconsistent with the enabling statute or this Section, the definitions found in LAC 61:I.1935 shall apply to this Section.

C. Documentation Requirements

1. Taxpayers claiming the SUCC deduction must provide the following with their return:

a. proof that the improvements meet SUCC requirements, including copies of relevant SUCC sections and receipts or invoices verifying project costs.

b. a written statement confirming the retrofitting was done voluntarily and not required due to new construction or insurance-related repairs from previous damage.

2. Taxpayers claiming the deduction for retrofitting pursuant to the IBHS FORTIFIED standard must comply with the IBHS certification process as outlined in LAC 61:I.1935(D) and shall submit the following additional information with their return:

a. Form R-90157-B, LFRTCP Qualifying Expenses, as completed by the LFRTCP-approved contractor.

b. the report issued by a FORTIFIED Home Evaluator certifying that the home meets a minimum structural standard and identifying necessary improvements to meet or exceed the FORTIFIED Roof standard.

c. a copy of the signed contract with an LFRTCP-approved contractor.

d. the final invoice issued by the LFRTCP-approved contractor.

e. the FORTIFIED designation issued by IBHS, which lists the date of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293(2)(a)(i) and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Brad Blanchard, Attorney, Tax Policy and Planning Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m., October 27, 2025.

Public Hearing

Interested persons may submit a written request for a public hearing no later than October 10, 2025, at 4:30 p.m. Requests may be submitted either by mail, addressed to Brad Blanchard, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA

70804-4098, or via email to bradley.blanchard@la.gov and reference Louisiana Fortified Roof Tax Credit Comments. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, a public hearing will be held on October 28, 2025, at 10:30 a.m. in the River Room, located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, La 70802, for all interested persons to attend and submit oral or written comments. To confirm whether or not the public hearing will be held, please visit the department's website at: <https://revenue.louisiana.gov/tax-policy/rules-regulations> and under "Types" select "Nonemergency Rulemaking." In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation in order to participate, contact Brad Blanchard at the address given above in the Public Comments section, by email at LDRadarequests@la.gov or by phone at (225) 219-2780.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana Fortified Roof Tax Credit Program and Construction Code Retrofitting Deduction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is anticipated to increase \$93,317 SGR expenditures and one T.O. position in the Department of Revenue beginning in FY 26. One Revenue Tax Specialist with a salary and related benefits of \$93,317 will be necessary to review and process applications and returns associated with the fortified roof tax credit. Implementation of this proposal will result in no additional expenditures for computer system development and modification, tax return redesign, and testing.

The purpose of this proposed rule is to implement Act 404 of the 2025 Regular Session, which enacted R.S. 47:6044 to provide a nonrefundable individual income tax credit to Louisiana residents who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety (IBHS), on their primary residence. The proposed rules outline the requirements for claiming the deduction, an application process, and the procedure for approving credits under the established \$10,000,000 fiscal year cap on granted credits.

Additionally, the proposal implements Act 473 of the 2025 Regular Session, which amends R.S. 47:293(2) to increase the Louisiana construction code retrofitting deduction to a maximum of \$10,000 and expands eligibility. Specifically, Act 473 repeals previous restrictions on voluntary retrofitting costs for a primary residence under the State Uniform Construction Code (SUCC), and expands qualifying expenditures to include any expenses necessary to voluntarily comply with the SUCC. Act 473 also expands qualifying expenditures to include voluntary retrofitting costs that allow a primary residence to meet the IBHS FORTIFIED home standards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to decrease SGF revenue by an indeterminable amount via reduced individual income tax receipts beginning in FY 26. The decrease to the state general fund is indeterminable because the number of individuals who may retrofit their residential property under the fortified roof tax credit or the new eligibility criteria of the construction retrofitting deduction is speculative. While the amount of income tax foregone cannot be determined, the fortified roof tax credit is limited to \$10,000 per residence and \$10 M total

credits issued each fiscal year. No credits shall be issued after December 31, 2031. The construction code retrofitting deduction is limited to \$10,000 per retrofitted residential structure to be claimed in the year the retrofitting is completed.

With no local income tax, there are no anticipated effects on revenue collections of local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule provides a nonrefundable tax credit to qualifying individuals and increases the size and expands the eligibility of an existing income tax deduction. Homeowners will incur expenses relating to fortify home evaluations and certifications to claim the construction code retrofit deduction or the nonrefundable Louisiana fortified roof credit. Taxpayers will have to complete the application process and/or attach documentation to their return. Additional costs for completion and submission of the required paperwork for this proposed rule are expected to be minor. Homeowners enabled to retrofit residences to fortified roof standards may realize an economic benefit. Businesses specializing in fortified roof installations and certifications of fortified roof installations may realize an indeterminable benefit to the extent that Act 404 increases baseline installations of fortified roofs statewide.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent that the provisions of Act 404 increase the number of fortified roof installations over the historical baseline, businesses may realize increased employment opportunities.

Richard Nelson
Secretary
2509#054

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Tax Policy and Planning Division**

**Tax Credit Documentation Requirements
(LAC 61:I.1902, 1903, and 1905)**

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to amend LAC 61:I.1902, 1903, and 1905.

R.S. 47:1624(F) authorizes the suspension of the accrual of interest 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 by statute or regulation. The purpose of these amendments is to set forth the information and documentation required to be provided by a taxpayer claiming the inventory tax credit, certain school readiness tax credits, and the credit for property taxes paid by certain telephone companies.

Title 61

REVENUE AND TAXATION

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

**Chapter 19. Miscellaneous Tax Exemptions, Credits
and Deductions**

§1902. Inventory Tax Credits

A. - D.3. ...

E. Documentation for Claiming the Credit

1. The following documentation shall be submitted with any return claiming the credit at the time of filing:

a. Form R-10610, Schedule of Ad Valorem Tax Credit Claimed by Manufacturers, Distributors, and Retailers;

b. a copy of the ad valorem (property) tax assessment prepared by the assessor's office; and

c. a copy of the cancelled check or receipt of electronic payment for the ad valorem (property) tax assessment.

2. A manufacturer that has claimed the property tax exemption under the Industrial Tax Exemption Program (ITEP) during the taxable year in which the local inventory taxes were levied and members of a consolidated federal income tax return that includes a manufacturer who has claimed the property tax exemption under ITEP must submit the following documentation with the return at the time of filing:

a. Form R-10610-ITE, Schedule of Ad Valorem Tax Credit Claimed by ITEP Manufacturers for Ad Valorem Tax Paid on Inventory;

b. a copy of the ad valorem (property) tax assessments prepared by the assessor's office; and

c. a copy of the cancelled check or receipt of electronic payment for the ad valorem (property) tax assessments.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 6006.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 27:1705 (October 2001), amended by the Department of Revenue, Tax Policy and Planning Division, LR 51:

**§1903. Administration of the School Readiness Tax
Credits**

A. - A.3. ...

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

B. - B.1. ...

2. The provider shall complete the provider portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the facility during the calendar year no later than January 31 of the succeeding year. The provider portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax identification number, the child care facility license number, the name of the child attending the facility and the issue date and effective year. The provider shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

3. ...

4. The Department of Education shall provide information necessary for the Secretary of the Department of Revenue to determine the child care provider's quality rating.

C. - C.1.d. ...

2. The Department of Education shall provide documentation to each qualifying provider of the average monthly number of children participating in the Child Care Assistance Program or in the Foster Care Program. If the provider has multiple sites, the Department of Education shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care providers by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility license number and the issue date and effective year.

3. Child care providers shall submit the credit certificate issued by the Department of Education with their Louisiana income tax return claiming the credit.

4. The Department of Education shall provide information necessary for the Secretary of the Department of Revenue to determine and/or verify the provider's quality rating.

D. Credit for Child Care Directors and Staff

1. The Department of Education 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 credit

2. In order to claim this credit, the Department of Education, or its representative, must provide child care facility directors and staff members with Form R-10615, Louisiana School Readiness Tax Credit For Child Care Director and Staff Member, no later than January 31 stating which level of qualification the employee meets according to the criteria established by the Department of Education. The taxpayer must submit Form R-10615 with their Louisiana income tax return.

3. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year, unless otherwise approved by the Department of Education.

4. Child care director and staff levels will have such meaning as provided by regulation issued by the Department of Education.

E. - E.1. ...

a. In order for a business to claim this credit, the business must support the amount of qualifying expenses paid or made by providing the Department of Revenue with copies of cancelled checks, receipts, and other documentation containing the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 47:6102 and the child care facility's quality rating.

b. The Department of Education shall provide information necessary for the Secretary of the Department of Revenue to determine and/or verify the facility's quality rating

2. - 2.b. ...

c. The Department of Education shall provide to the Department of Revenue a list of qualifying child care resource or referral agencies for each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474 , R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Department of Revenue and the Department of Social Services, LR 33:2667 (December 2007), amended by the Department of Revenue, Tax Policy and Planning Division, LR 51:

§1905. Telephone Company Property Assessment Relief Fund

A. - D.4. ...

E. Documentation for Claiming the Credit

1. The following documentation shall be attached to and submitted with the return at the time of filing:

a. a copy of the ad valorem (property) tax assessment prepared by the assessor's office;

b. a copy of the cancelled check or receipt of electronic payment for the ad valorem (property) tax assessment; and

c. a schedule stating which entity paid the tax and obtained the credit on the taxpayer's behalf, if applicable;

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 6014.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:866 (May 2006), amended by the Department of Revenue, Tax Policy and Planning Division, LR 51:

Family Impact Statement

The proposed amendments 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 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 Impact Statement

The proposed amendments will have no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that the proposed amendments 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 these proposed amendments to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed amendments will have no known or foreseeable effect on:

1. 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 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 Morgan Newton, Attorney, Tax Policy and Planning Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m., October 27, 2025.

Public Hearing

Interested persons may submit a written request for a public hearing no later than October 10, 2025, at 4:30 p.m. Requests may be submitted either by mail, addressed to Morgan Newton, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098, or via email to morgan.newton@la.gov and reference Louisiana Fortified Roof Tax Credit Comments. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, a public hearing will be held on October 28, 2025, at 10:30 a.m. in the River Room, located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, La 70802, for all interested persons to attend and submit oral or written comments. To confirm whether or not the public hearing will be held, please visit the department’s website at: <https://revenue.louisiana.gov/tax-policy/rules-regulations> and under “Types” select “Nonemergency Rulemaking.” In accordance with the Americans with Disabilities Act, should individuals with a disability need an accommodation in order to participate, contact Morgan Newton at the address given above in the Public Comments section, by email at LDRadarequests@la.gov or by phone at (225) 219-2780.

Richard Nelson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Tax Credit Documentation
Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule sets forth the information and documentation required to be provided when claiming the inventory tax credit, certain school readiness tax credits, and the telephone property credit. The proposed rule also allows for the suspension of interest as provided in R.S. 47:1624(F). R.S. 47:1624(F) authorizes the suspension of accrual of interest due to a delay in the issuance of a refund that is attributable to the taxpayer's failure to provide information or documentation required by statute or regulation.

Implementation of this proposal will not result in material additional costs or cost savings to the Department of Revenue (LDR).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent the additional information required for the credits and the suspension of interest provisions reduce refund interest paid by the state to taxpayers, the proposed rule will increase state revenue.

According to R.S. 47:1624(A)(1)(a) interest shall be allowed from 90 days after the later of the due date of the return, the filing date of the return or claim for refund on which the overpayment is claimed, or the date the tax was paid. LDR

is unable to provide an estimate as to how much interest has accumulated due to missing documentation for these particular credits.

With no local income tax, there is no impact to local governmental revenue as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers claiming the inventory tax credit, certain school readiness tax credits, or the telephone property tax credit will be affected by the proposed rule. Taxpayers will be required to submit new documentation when filing the return. However, the additional costs for completion and submission of the required information to claim the tax credit on the return from this proposed rule are expected to be minor.

To the extent taxpayers previously received interest in certain circumstances, the proposed rule will decrease taxpayer income from the interest suspension when proper documentation is not provided.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2509#055

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Wildlife Rehabilitation Program
(LAC 76:V.131)**

Editor's Note: This Notice of Intent is being reprinted because of an error upon submission. The original Notice of Intent can be viewed in its entirety on pages 1277-1280 of the August 20, 2025 *Louisiana Register*.

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt changes to the rules and regulations that govern the permitting and operations of Wildlife Rehabilitators. Wildlife rehabilitation is defined as the activity that provides housing treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission’s review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§131. Wildlife Rehabilitation Program

A. Purpose

1. The purpose of this Section is to establish rules for the permitting and operation of wildlife rehabilitators.

B. Definitions

Media—means of communication using platforms such as broadcasting, publishing, and the internet, including, but not limited to, images, videos, and social media

Rabies Vector Species (RVS)—mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following:

- a. raccoons;
- b. foxes;
- c. coyotes;
- d. skunks; and
- e. bats.

Standard Wildlife Rehabilitation Practices—practices that are accepted as appropriate methods, procedures, animal care, and rehabilitator behaviors by the National Wildlife Rehabilitators Association and/or the International Wildlife Rehabilitation Council.

Subpermittee—person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

Supervisory Responsibility—to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

Wildlife Rehabilitation—activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

Wildlife Rehabilitator—a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

Wildlife Rescuer—a person who is allowed to possess certain wildlife in accordance with the exemption requirements of Paragraph D.3 of this Section.

C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any sick, injured or orphaned wildlife (except fish) or otherwise engage in wildlife rehabilitation without first obtaining at no charge, a LDWF Wildlife Rehabilitation Permit (WRP), unless otherwise exempted by Subsection D of this Section. In addition to the WRP, a United States Fish and Wildlife Service (USFWS) rehabilitation permit must be in possession to rehabilitate species covered by the Migratory Bird Treaty Act or Endangered Species Act.

2. A WRP authorizes the permittee to transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian or another wildlife rehabilitator for treatment or euthanasia; release; or euthanize an injured, diseased, disabled, orphaned or otherwise debilitated live wildlife specified on their permit. Animals held under a WRP shall not be displayed for the purposes of exploitation, including for any promotional or commercial purpose, or educational purposes or otherwise displayed or exposed to the public (including on social media platforms) unless that individual animal has been permitted by LDWF or USFWS for that purpose. Except, the use of media depicting rehabilitation animals shall be allowed for educational and fundraising activities provided that:

a. Animals are involved in rehabilitation activities such as intake/initial assessment, feeding, enrichment, care, and release that are considered standard wildlife rehabilitation practices.

b. Only licensed WRP holders or licensed subpermittees engaged in standard wildlife rehabilitation activities are allowed in media with rehabilitation wildlife.

c. Proper personal protective equipment (PPEs) are utilized.

d. Rehabilitation animals shall not be assigned or referred to by “pet” names.

e. Animals shall not be shown in a common space with domestic animals.

f. All media produced with rehabilitation wildlife shall include a description of the wildlife rehabilitation occurring and the necessity for this activity.

g. All media produced with images or videos of rehabilitation animals shall state, either verbally or in writing, “this animal is temporarily possessed under a wildlife rehabilitation permit issued by the Louisiana Department of Wildlife & Fisheries.”

D. Exemptions

1. Employees of the LDWF are exempt from all state wildlife rehabilitation permit requirements while they are on duty.

2. Licensed veterinarians are exempted, provided they are treating an animal under the authorization of a wildlife rehabilitator or LDWF employee, or are treating an animal taken in from the public, provided the animal is released into an appropriate habitat or accepted by a wildlife rehabilitator.

3. Wildlife Rescuer

a. Individuals may possess in captivity certain sick, injured, or orphaned wildlife while providing care for such wildlife for a period of up to 90 days as provided for in this Paragraph.

i. Wildlife included under this Paragraph shall be limited to the following species: squirrel, opossum, rabbit, or chipmunk, with such possession limited to one animal or litter of animals per individual.

ii. A raccoon or skunk that is sick, injured, or orphaned may also be possessed pursuant to the provisions of this Paragraph upon notification to the Department of Wildlife and Fisheries of possession of the wildlife and upon receipt of information regarding rabies vector species and a list of available wildlife rehabilitators.

iii. Individuals in possession of any of these animals shall be held strictly liable for any damages for injuries to persons or property caused by the animal.

b. To continue to possess the wildlife beyond ninety days from finding the sick, injured, or orphaned wildlife all of the following shall occur.

i. The individual has satisfied wildlife rescuer training requirements. The curriculum shall be offered online and shall cover at a minimum safety considerations, wildlife husbandry requirements, transfer of diseases, and that a person possessing an animal pursuant to this Paragraph is held strictly liable for any damage or injury the animal causes.

ii. The individual applied for a Special Purpose and Possession permit.

iii. A Louisiana licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity.

c.i. If the conditions of Subparagraph b of this Paragraph have been met, the Department of Wildlife and Fisheries shall issue a special purpose and possession permit and the individual shall be able to continue to possess the animal for the duration of its natural life.

ii. Any animal possessed pursuant to the provisions of this Paragraph shall be spayed or neutered. Rabies vector species shall also be microchipped by a Louisiana licensed veterinarian.

d. A Louisiana licensed veterinarian shall not be liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in determining that the animal is medically non-releasable or exhibits signs of adjusted life in captivity as required by the provisions of this Paragraph. However, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.

e. It shall be unlawful for an individual exempted under the provisions of this Paragraph to use the wildlife in any manner for the purposes of exploitation, including for any promotional or commercial purpose, or for the purposes of pet trade. Any such act shall be grounds for seizure of the wildlife by the department and revocation of any issued permit.

E. Permit Requirements

1. All applicants must be 18 years of age or older.

2. Anyone who has been convicted of a Class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, shall not be eligible for a WRP.

3. All applicants must complete a WRP application, liability release, and financial responsibility statement.

4. Prior to licensure or renewal, all applicants must show proof of completion of a LDWF-approved wildlife rehabilitation course and must be currently certified under the approved organization's guidelines. Veterinarians licensed in the State of Louisiana are exempt from the training requirement to obtain a WRP. There shall be at least one approved course readily available online, which may require successful completion of an interactive test. The department shall post approved courses on its website. Failure to provide proof of successful completion of the course will result in non-licensure or revocation of the WRP.

5. All applicants must provide verification of having access to veterinary services by submitting a Statement of Veterinary Support Form provided by LDWF.

6. All applicants shall have a suitable enclosure for any animals housed and shall report the specifications on the department-approved application form. Permitted facilities may be subject to inspection by LDWF upon 24-hour notice to the WRP applicant.

F. General Rules

1. The WRP will not exempt the holder from regulations of other state, federal, parish or municipal governments or agencies.

2. Sale of any animal held under a WRP is prohibited.

3. No animal held under a WRP may be used for human consumption, unless specifically approved.

4. No Louisiana S1-ranked species may be held under a WRP, without written authorization from the LDWF Wildlife Division.

5. No animal intended for wildlife rehabilitation may be imported into or exported out of the state of Louisiana without written authorization by LDWF Wildlife Division.

6. The WRP does not authorize the possession of white-tail deer, bears, wild turkeys, outlaw quadrupeds, nutria, or alligators unless specifically stated on the permit.

7. Request for an Extension

a. WRP holders shall not possess a non-migratory bird for more than 90 days, other injured wildlife longer than 45 days, or other orphaned wildlife no longer than required to prepare the animal for release, but not to exceed 120 days, except that a permit holder may submit a written request for extension of possession if:

i. the specified animal will likely be releasable after the time frame listed above but is currently non-releasable because of biological reasons; or

ii. a licensed veterinarian determines, due to medical reasons, the animal requires additional rehabilitation time.

b. All extension requests should include a proposed release date and be submitted in writing to LDWF Wildlife Division. The permit holder may continue to house the specified animal while LDWF is reviewing the request. LDWF will provide a written response and include specific dates and instructions regarding disposition of the animal.

8. WRP holders must ensure that animals are exposed to minimal handling and other human contact, except as necessary to maintain sanitary conditions, provide food and water, provide medical care, and prepare the animal for release.

9. Animals that are determined medically non-releasable by a licensed veterinarian, exhibit signs of adjusted life in captivity and pose minimum zoonotic disease potential may be considered for educational animal designation. A LDWF Special Purpose and Possession permit application must be submitted to LDWF Wildlife Division by the end of the 90 day rehabilitation period to be considered for educational animal status.

10. All WRPs shall expire on December 31 of the year of issue unless otherwise noted.

11. Permits are non-transferable but may include up to five listed subpermittees. Subpermittees are authorized to transport, house, and provide care for animals away from the wildlife rehabilitation facility. A person caring for animals at the wildlife rehabilitation facility is not required to be a subpermittee. WRP holders desiring to add subpermittees, must submit a subpermittee application form. Individuals may be removed as subpermittees at any time of the year. A subpermittee removal form must be submitted. All subpermittees:

a. must be 18 years of age or older;

b. are exempt from the testing requirement but are subject to all other rules governing WRP holders including animal housing and care requirements;

c. must work under the direction and supervision of the WRP holder;

d. may be removed at any time by the supervising WRP holder or LDWF and in such cases must surrender any animals to the WRP holder or LDWF; and

e. must have a valid subpermittee permit on the premises where animals are housed if animals are housed away from the supervising WRP holder's facility.

12. WRP holders are subject to non-renewal or revocation of their WRP if LDWF determines that any of their listed subpermittees are not properly supervised or fail to abide by applicable WRP rules.

13. LDWF provides no financial or material assistance to wildlife rehabilitators.

14. Euthanasia of any animal held under a WRP is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

15. Animals held under a WRP shall not be released on private land without written permission of the landowner or landowner designee. Licensed rehabilitators shall keep on file for a minimum of three years, an original document signed by the landowner, permitting the licensed rehabilitator to release animals upon their property. This document should include the name, address and phone number of the landowner, the physical location of the property, the size of the property (in acres), and the duration of the permission to release rehabilitated animals there. This document shall be presented upon request for review by LDWF personnel. A copy of all landowner permission documents shall be submitted to LDWF with the annual WRP report.

16. Animals held under a WRP shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the property.

17. All permitted animals and facilities in which they are housed shall be maintained within the minimum standards as provided by the National Wildlife Rehabilitators Association (NWRA) and International Wildlife Rehabilitation Council (IWRC) publication of Minimum Standards for Wildlife Rehabilitation.

18. It is strongly recommended that any wildlife rehabilitator working with rabies vector species receive pre-exposure rabies immunization.

G. Reporting and Renewal Requirements

1. All animals held under a WRP must be fully documented on Wildlife Rehabilitation Report Form provided by LDWF.

2. A record of each animal admitted by a permitted rehabilitator must be maintained. This record should include the name, address, phone number and email address of the person finding the animal, species, age, sex, date of admission, treatment performed, method of euthanasia if performed or date and location of release. These records must be maintained for a minimum of three years and must be available for inspection by LDWF personnel.

3. Wildlife Rehabilitation Report Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and the WRP will not be renewed until these forms are received. Reports will cover the period from December 1 of the prior license year to November 30 of the current license year. Any wildlife rehabilitator who does not submit his/her report by the thirtieth day after the expiration date of the WRP, or who submits a false or materially incomplete report intentionally may be issued a citation for violation of Louisiana Wildlife

and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the wildlife rehabilitator may be considered for reapplication upon receipt of the late wildlife rehabilitation form(s).

4. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department.

5. Upon expiration of a WRP and if the WRP has not been renewed, all animals held under the permit must be disposed of by transferring to a currently licensed WRP, released into the wild, or euthanized.

H. Penalties

1. Violations of this Rule constitute a Class 2 offense.

2. Violation of these Rules may result in citation and/or revocation of the WRP.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:3, R.S. 56:5, R.S. 56:6 (10), and (15), R.S. 56:115 and R.S. 56:126.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 36:852 (April 2010), amended LR 37:602 (February 2011), amended by House Concurrent Resolution No. 6 of the 2024 Regular Session, LR 50:1079 (July 2024), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 1, 2025, to Bradley Breland, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to bbreland@wlf.la.gov.

Kevin Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Wildlife Rehabilitation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to impact the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures.

The proposed rule change makes the following changes:

1. Defines "media" for the purposes of this rule and establishes conditions for exemptions to the prohibition on the use of media by wildlife rehabilitators;
 2. Clarifies rules prohibiting the keeping, holding, or possession of sick, injured, or orphaned wildlife;
 3. Changes Class II to Class III or greater wildlife violations for permit requirements;
 4. Removes the prohibition on felons from holding Wildlife Rehabilitation Permits (WRP);
 5. Exempts veterinarians from training requirements for WRP;
 6. Prohibits WRP-holders and sub-permittees from possessing nutria and outlaw quadrupeds;
 7. Allows the possession or transportation of Rabies Vector Species (RVS) by sub-permittees from supervising WRP-holders' facilities; and
 8. Reduces record-keeping requirement for WRP-holders from perpetuity to three years.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
- The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
- The proposed rule changes may reduce recording-keeping costs, training costs, and other regulatory compliance expenditures for wildlife rehabilitators.
- The LDWF recorded an average of 147 nuisance wildlife control operators and 51 resident-nonresident wildlife rehabilitators between License Year (LY) 2022 and LY 2024.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
- There is no anticipated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2509#006

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Workforce Commission Office of Unemployment Insurance Administration

Separation Notices (LAC 40:IV.323)

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:304 and R.S. 23:1653, notice is hereby given that the Louisiana Workforce Commission proposes to amend LAC 40:IV.323 relative to separation notices. Act No. 340 of the 2025 Regular Session changed the time for employers to provide separation notices to employees either by mail, delivery, or transmission to the employee, but must be electronically delivered to the Workforce Commission. The proposed amendment to the Rule is necessary to reflect the statutory changes.

Title 40

LABOR AND EMPLOYMENT

Part IV. Louisiana Workforce Commission

Subpart 1. Board of Review

Chapter 3. Employment Security Law

§323. Separation Notices

A. Individual Separation Notices

1. Under Conditions Which May Disqualify. Whenever a worker is separated from his employment permanently or for an indefinite period or for an unexpected duration of seven or more days, under conditions which may disqualify him for benefits pursuant to the provisions of R.S. 23:1601, his employer shall within ten days after such separation give him, or if such delivery is impossible or impracticable, mail to his last known address or transmit electronically to his last known email address, a separation notice alleging disqualification on which the employer has entered the required information. Within the same period of time, the employer shall electronically transmit a copy of such separation notice, certified by himself or his duly authorized agent, to the administrator.

B - B.1. ...

C. Labor Dispute Notices

1. In case of a separation due to a labor dispute, the employer shall within ten days after such separation electronically file with the administrator notice setting forth the existence of such a dispute and the approximate number of workers affected.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:489 (June 1989), amended by the Department of Employment and Training, Office of Employment Security, LR 17:40 (January 1991), amended by the Workforce Commission, Office of Unemployment Insurance Administration, LR 39:2314 (August 2013), amended by the Workforce Commission, Office of Unemployment Insurance Administration, LR 51:

Family Impact Statement

In compliance with R.S. 49:972, the impact of this Rule on the family formation, stability, and autonomy has been considered. This Rule will have no known impact on family formation, stability, and autonomy.

Poverty Impact Statement

This Rule will have no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule will have no adverse impact on small businesses as described in R.S. 49:974.1 - 974.8.

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 Rule has been considered. It is not anticipated that this Rule will impact the staffing level requirements or qualifications required to provide the same level of service; the cost to the provider to provide the same level of service, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to this amended Rule to Christina Crews, ORS Director, P.O. Box 94094, Baton Rouge, LA 70804-9094, or by email at CCrews@lwc.la.gov. All written comments must be received no later than 4:30 p.m., October 10, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Louisiana Workforce Commission, ATTN: Christina Crews, ORS

Director, P.O. Box 94094, Baton Rouge, LA 70804-9094; however, such request must be received no later than 4:30 p.m., October 10, 2025. If the criteria set forth in R.S. 49:961 are satisfied, a public hearing will be conducted at the Louisiana Workforce Commission, 4th Floor Conference Room #494, Administration Bldg., 1001 N. 23rd St. on October 28, 2025 at 9 a.m. If a public hearing is held, notice will be posted at www.laworks.net, and all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Susana Schowen
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Separation Notices**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change will align the Louisiana Workforce Commission (LWC) existing regulations with the statutory deadlines, and requires no new system development or infrastructure, as LWC's current systems already support electronic submission and processing of separation notices.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no anticipated effects on revenue collections of state or local governmental units as a result of the proposed rule

**Title 40
LABOR AND EMPLOYMENT
Part I. Workers' Compensation Administration
Subpart 2. Medical Guidelines
Chapter 23. Upper and Lower Extremities Medical
Treatment Guidelines
Subchapter B. Shoulder Injury Medical Treatment Guidelines
§2328. LWC-WC 1009. Disputed Claim for Medical Treatment**

E-Mail to: mgd1009@lwc.la.gov
Fax to: OWCA – Medical Services
ATTN: Medical Director
(225) 342-9836
Mail to: Medical Services
P.O. Box 94040
Baton Rouge, LA 70804

- 1. Last four digit of Social Security No. _____
- 2. Date of Injury/Illness _____ - _____ - _____
- 3. Parts of Body Injured _____
- 4. Date of Birth _____ - _____ - _____
- 5. Date of This Request _____ - _____ - _____
- 6. Claim Number _____

DISPUTED CLAIM FOR MEDICAL TREATMENT (1009)

NOTE: THIS REQUEST WILL NOT BE HONORED UNLESS THERE ARE MEDICAL SERVICES IN DISPUTE AS PER R.S. 23:1203.1 J AND THE FOLLOWING HAS OCCURRED:

- A. The insurer has issued a denial;
- B. The insurer has issued an approval with modification;
- C. The insurer's failure to act has resulted in a deemed/tacit denial; or
- D. The aggrieved party is seeking a variance from the medical treatment schedule

DISPUTES RELATING TO COMPENSABILITY AND/OR CAUSATION ARE NOT ADDRESSED BY THE MEDICAL DIRECTOR.

- change. The proposed rule change primarily aligns LWC's current practices with statute.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no anticipated effects on competition or employment as a result of the proposed rule change.

Susana Schowen
Secretary
2509#041

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Louisiana Workforce Commission
Office of Workers' Compensation**

Medical Treatment Guidelines (LAC 40:I.2328)

The Louisiana Workforce Commission does hereby give notice of its intent to amend certain portions of LAC 40:I.2328 regarding medical necessity appeals. The purpose of this amendment is to update the medical dispute form in accordance with current administrative process. This proposed Rule is promulgated by the authority vested in the assistant secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.7.

GENERAL INFORMATION

An aggrieved party files this dispute with the Office of Workers’ Compensation – Medical Services Director by mail, email or fax. This office must be notified immediately in writing of changes in address. An employee may be represented by an attorney, but it is not required. The completed LWC-WC-1009 must be submitted to OWCA within 15 calendar days of the 1010 denial, 1010 approval w/modification or 1010 deemed/tacit denial. A deemed/tacit denial is when a carrier/self-insured employer fails to return the LWC-WC-1010 form within five business days of submission of the form to the carrier/self-insured employer.

7. This request is submitted by:

Employee/Employee’s Attorney Health Care Provider Other: _____

The following records/documents **MUST** be attached to this request. Failure to do so may result in the rejection of the request by the OWCA Assistant Secretary:

- A. Copies of all relevant information must be included with this request as per LAC 40:I.2715 (J) including a copy of the LWC-WC-1010 and all of the information previously submitted to the carrier/self-insured employer.
- B. If applicable, a copy of the denial letter issued by the insurance carrier or utilization review company.
- C. Include scientific medical evidence when seeking a variance.

EMPLOYEE

8. Name _____
Street or Box _____
City _____
State _____ Zip _____
Phone (____) _____

EMPLOYEE’S ATTORNEY (if any)

9. Name _____
Street or Box _____
City _____
State _____ Zip _____
Phone (____) _____
Fax (____) _____
Email _____

EMPLOYER

10. Name _____
Street or Box _____
City _____
State _____ Zip _____
Phone (____) _____

INSURER/ADMINISTRATOR

(circle one)

11. Name _____
Street or _____ Box ____
_ City _____
State _____ Zip _____
Phone (_____) ____
_ Fax (____) _____
Email _____

TREATING/REQUESTING PHYSICIAN

12. Name _____
Street or _____ Box ____
_ City _____
State _____ Zip _____
Phone (_____) ____
_ Fax (____) _____
_ Email _____

EMPLOYER/INSURER ATTORNEY

13. Name _____
Street or _____ Box ____
_ City _____
State _____ Zip _____
Phone (_____) ____
_ Fax (____) _____
_ Email _____

14. **PLEASE PROVIDE A SUMMARY OF THE DETAILS REGARDING THE ISSUE AT DISPUTE:**
(If requesting a variance, explain here)

You may attach a letter or petition with additional information with this disputed claim.

By signing below, you are certifying that this form along with all supporting documentation has been sent to the carrier/self-insured employer this date by e-mail or fax.

The information given above is true and correct to the best of my knowledge and belief.

SIGNATURE OF REQUESTING PARTY (Required)

DATE

Printed Name of Requesting Party

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 38:3254 (December 2012), amended LR 51:85 (January 2025), amended by Louisiana Works, Office of Workers' Compensation Administration, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to update the hearing rules has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments or request for a public hearing to Brian Blackwood, OWCA Assistant Secretary, 1001 North 23rd Street, 4th Floor-Annex, Baton Rouge, LA 70802 by November 10, 2025, at 5 p.m.

Susana Schowen
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medical Treatment Guidelines**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any implementation costs or savings to state or local governmental units.

The purpose of the proposed rule change is to recodify existing form processing requirements that are currently being used by the Office of Workers' Compensation Administration (OWCA). The proposed rule change updates the Medical Dispute (1009) form for stakeholders to file an appeal on medical necessity per LAC 40:2715(J) & (M). The proposed rule change adds the employer/insurer attorney to the list of contact information required, updates appointing authority title from OWCA director to OWCA Assistant Secretary, and adds the employee attorney to the list of who may file the form.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on state or local revenues as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs or economic benefits to persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Brian Blackwood
Assistant Secretary
2509#053

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Animal Health Services

Hunting Season Variances for Farm-Raised White-Tailed Deer

Pursuant to LAC 7:XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of the applications for variances, commissioner of Agriculture and Forestry, Mike Strain, DVM, has authorized the following:

Golden Ranch Farms, LLC., License No. 2005, 146 Coteau Du Cypre Lane, Ghreens, LA 70355, through its owner, Arlen Cenac, Jr., is authorized to open its hunting grounds for the purpose of harvesting white-tailed deer from September 1, 2025, through September 30, 2025.

Mike Strain, D.V.M.
Commissioner

2509#056

POTPOURRI

Department of Agriculture and Forestry Office of the Commissioner

Notice of Public Hearing Request for Comments on Rulemaking

In compliance with R.S. 49:964(B), the Department of Agriculture and Forestry will hold a hearing for the purpose of providing an opportunity to receive public comments as to whether any of the rules of the department or the boards and commissions under its authority are contrary to law, outdated, necessary, overly complex, or burdensome. All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules. Each agency will consider fully all written and oral comments received.

The hearing will be held at the Department of Agriculture and Forestry, Veterans Memorial Auditorium, 5825 Florida Boulevard, Baton Rouge, LA 70806, on Tuesday, November 25, 2025, from 9 a.m. to 12 p.m.

Comments are required to be in writing for submission to the legislative oversight committees. Written comments may be submitted at the hearing or may be addressed to the Department of Agriculture and Forestry, Attn: Amy L. McInnis, General Counsel, 5825 Florida Blvd, Suite 2000, Baton Rouge, LA 70806. All written comments must include the name, contract information, and signature of the person

submitting the comment and identify the specific rule(s) that are being commented on.

If you have a disability and require an accommodation to participate in the hearing, please contact Amy L. McInnis by email at amcinnis@ldaf.state.la.us or by telephone at (225) 922-1250 to discuss your accessibility needs.

Mike Strain, DVM
Commissioner

2509#038

POTPOURRI

Department of Energy and Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
C & F Oil Company, Inc.	Ross Bayou	M	Faye Thomas SWD	002	135613
C & F Oil Company, Inc.	Trout Creek	M	Gulde Estate SWD	001	168797
C & F Oil Company, Inc.	Ross Bayou	M	Faye Thomas SWD	001	177880
C & F Oil Company, Inc.	Trout Creek	M	Gulde Estate	002	199403
C & F Oil Company, Inc.	Trout Creek	M	WX A RC SUQQ;Strozier	001	199441
C & F Oil Company, Inc.	Trout Creek	M	WX A RC SUPP;Gulde Estate	003	212261
C & F Oil Company, Inc.	Trout Creek	M	WX A RC SUQQ;Strozier	002-ALT	230461
GEB Operating, LLC	Gillis-English Bayou	L	Gillis-English Bayou SWD	003	86989
GEB Operating, LLC	Gillis-English Bayou	L	Layne LA CO SWD	005	92619
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	006	93874

Operator	Field	District	Well Name	Well Number	Serial Number
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	011	99796
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Nickers on FEE	020	100698
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Nickers on FEE	022	109115
GEB Operating, LLC	Gillis-English Bayou	L	Layne LA CO SWD	016	114264
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Union Tex FEE	002	131135
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	017	132206
GEB Operating, LLC	Gillis-English Bayou	L	Union Texas FEE	002D	132692
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	018	153317
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	020	228479
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	021	232805
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	022	235102
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Union	001	236462
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	023	242273
GEB Operating, LLC	Gillis-English Bayou	L	GEB UH RA SU;Layne LA CO	024	243155

Steven M. Giambrone
Interim Commissioner

2509#034

POTPOURRI

**Department of Energy and Natural Resources
Office of Conservation
Environmental Division**

Notice of Public Hearing Southern
Disposal Solutions, LLC
Commercial Class II Injection Well Disposal Facility

Notice is hereby given that the commissioner of Conservation will conduct a hearing at 6 p.m., Thursday, October 23, 2025, at the De Soto Parish Police Jury Building, located at 101 Franklin Street, Police Jury Meeting Room, Mansfield, Louisiana.

At such hearing, the commissioner, or his designated representative, will hear testimony relative to the application of Southern Disposal Solutions, LLC, 1061 Cotton Field Rd., Center, Texas 75935. The applicant requests approval from the Office of Conservation to construct and operate a commercial class II injection well disposal facility for disposal of exploration & production waste (E&P Waste) fluids located in Section 7, Township 10 North, Range 12 West in De Soto Parish.

The application is available for inspection by contacting Ms. Noelle Chalona, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North 3 Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the De Soto Parish Police Jury building and the De Soto Parish Public Library located at 145 Washington Ave., Pelican, Louisiana, no later than 30 days prior to the hearing date. Verbal information may be received by calling Ms. Chalona at (225) 342-7334.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Thursday, October 30, 2025, at the Baton Rouge office. Comments should be directed to:

Office of Conservation
Environmental Division
P.O. Box 94275
Baton Rouge, Louisiana 70804
Re: Docket No. ENV 2025-02
Commercial Facility Well Application
De Soto Parish

In accordance with the Americans with Disabilities Act, if you need assistance at the hearing, please contact the Office of Conservation-Environmental Division at P.O. Box 94275, Baton Rouge, La 70804-9275 in writing within 10 working days of the hearing date.

Steven M. Giambrone
Commissioner

2509#039

POTPOURRI
Office of the Governor
Division of Administration

Amended Notice of Public Hearings

In accordance with Louisiana Revised Statutes 49:964B, the Division of Administration and its offices specifically named below will hold hearings in the Thomas Jefferson Room, 1-136C, First Floor of the Claiborne Building, 1201 N. Third Street, Baton Rouge, Louisiana 70802, according to the below schedule. This schedule replaces the one published in August.

Date	Office Name
October 28, 2025 9:00 a.m.	Office of the Commissioner
October 28, 2025 10:00 a.m.	Office of Broadband Development and Connectivity
October 28, 2025 11:00 a.m.	Office of Community Development
October 28, 2025 12:00 p.m.	Office of Facility Planning and Control
October 28, 2025 1:00 p.m.	Office of General Services (Louisiana Property Assistance Agency and Louisiana Federal Property Assistance Agency)
October 28, 2025 2:00 p.m.	Office of Planning and Budget
October 28, 2025 3:00 p.m.	Office of Risk Management
October 28, 2025 4:00 p.m.	Office of State Uniform Payroll
October 29, 2025 10:00 a.m.	Office of State Procurement
October 29, 2025 11:00 a.m.	Office of State Register
October 29, 2025 12:00 p.m.	Office of Statewide Reporting and Accounting Policy
October 29, 2025 1:00 p.m.	Office of Technology Services
October 29, 2025 2:00 p.m.	Office of State Travel
October 29, 2025 3:00 p.m.	Office of State Lands
October 29, 2025 4:00 p.m.	Office of State Buildings

As stated in law, these hearings provide an opportunity to receive public comments as to whether any of these offices' rules are contrary to law, outdated, unnecessary, overly complex, or burdensome. All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. Each agency will consider fully all written and oral comments.

Comments are required to be received in writing for submission to the legislative oversight committees. Written comments may be submitted at the hearing or to Bridget Denicola, General Counsel, Division of Administration, P. O. Box 94095, Baton Rouge, Louisiana 70804 or by fax (225) 219-7572. The deadline for receipt of written comments is Thursday, October 30, 2025.

If you have a disability and require an accommodation to participate in the hearings, please contact Christina Cardona

by email at Christina.Cardona@la.gov or by telephone at (225) 342-6060 to discuss your accessibility needs.

Parking is available to the public in the Claiborne Parking lot, which is located at 1201 N. Third Street, Baton Rouge, LA 70802.

Taylor F. Barras
Commissioner

2509#035

POTPOURRI
Department of Health
Health Standards Section

Notice of Public Hearing
Substantive Changes to Proposed Rule
Nurse Staffing Agencies—Licensing Standards
(LAC 48:I.Chapter 77)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Health Standards Section (the department), published a Notice of Intent in the June 20, 2025 edition of the *Louisiana Register* (LR 51:888-894) to amend LAC 48:I.Chapter 77 as authorized by R.S. 36:254. This Notice of Intent proposed to amend the provisions governing the licensing of nurse staffing agencies in order to add and update definitions, adjust social media policy requirements, revise administrator requirements, and modify initial licensure, renewal of licensure, and change of ownership requirements.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of the June 20, 2025 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 77. Nurse Staffing Agencies Licensing
Standards
Subchapter A. General Provisions
§7703. Definitions

* * *

Certified Nurse Aide (CNA)—an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of 42 CFR 483.151 and 483.154, or has been determined competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in good standing on the state's certified nurse aide registry. For purposes of this licensing rule, a CNA who is engaged through a licensed NSA may be contracted, provided that such CNA in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

* * *

Employee or Contracted Staff—a person employed or engaged as a contractor by the nurse staffing agency (NSA) to perform healthcare services in a healthcare facility.

Healthcare Technology Platform or Platform—any person, partnership, corporation, unincorporated association or other legal entity that develops and operates, offers, or maintains a system or technology that provides an internet-based or application-based marketplace through which a contracted nurse, who has a current Louisiana license in good standing practicing within the scope of the nursing license, or certified nurse aide bids on, selects, or accepts open shifts posted by a healthcare facility to provide services for the healthcare facility. A NSA operating as a healthcare technology platform shall designate a nurse as a person of contact for all healthcare facilities.

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. For purposes of this licensing rule, an LPN who is engaged through a licensed NSA may be considered a contractor provided that such LPN, who has a current Louisiana license in good standing practicing within the scope of the nursing license, in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

Nurse—a registered nurse as defined in R.S. 37:913, or current law, or a licensed practical nurse as defined in R.S. 37:961, or current law. For purposes of this licensing rule, a nurse who is engaged through a licensed NSA may be considered a contractor provided that such nurse, who has a current Louisiana license in good standing practicing within the scope of the nursing license, in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

Nurse Staffing Agency (NSA)—any person, partnership, corporation, unincorporated association, or other legal entity, including a healthcare technology platform, that employs, contracts with, assigns, or refers nurses or CNAs to render healthcare services in a healthcare facility for a fee. For purposes of this definition, a fee does not mean damages recovered in a breach of contract matter. For purposes of these regulations, NSA does not include the following:

1. - 4. ...

Registered Nurse (RN)—any individual licensed 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. For purposes of this licensing rule, a registered nurse who is engaged through a licensed NSA may be considered a contractor, provided that such registered nurse, who has a current Louisiana license in good standing practicing within the scope of the nursing license, in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1729 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7705. Licensure Requirements

A. - E. ...

F. The NSA shall maintain evidence of the following:

1. ...

2. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1, et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident

insurance, for those contractors or other staff not subject to Louisiana Worker's Compensation law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7707. Initial Licensure Application Process

A. ...

B. The initial licensing application packet shall include:

1. - 5. ...

6. evidence of the

following: a. - b. ...

c. compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those contractors or other staff not subject to Louisiana Worker's Compensation law;

7. - 9. ...

10. - 11. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7715. Change of Ownership of a Nurse Staffing

Agency Provider

A. ...

B. Before a license can be issued to the new owner, the new owner shall meet all licensing application requirements. The new owner shall submit to the department for approval, a change of ownership (CHOW) application packet that includes:

1. - 5. ...

6. evidence of the

following: a. - b. ...

c. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those contractors or other staff not subject to Louisiana Worker's Compensation Law;

B.7. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1733 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7717. Renewal of License

A. The NSA shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The completed license renewal application packet shall include:

1. ...

2. evidence of the

following: a. - b. ...

c. evidence of current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount

of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those contractors or other staff not subject to Louisiana Worker's Compensation law;

A.3. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1734 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

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.

Public Hearing

A public hearing on the substantive changes to the proposed Rule is scheduled for October 28, 2025 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for receipt of all written comments is October 29, 2025 at 4:30 p.m.

Bruce D. Greenstein
Secretary

2509#053

POTPOURRI

**Department of Health
Office of the Secretary**

Notice of Public Hearings
Request for Comments on Rulemaking

The Department of Health (LDH) will hold hearings to receive public comment from any interested person regarding the rules of the agency pursuant to the following schedule.

Date	Rules Subject to Review	Location
9:00 a.m. October 21, 2025	LAC 48:I.Chapters 135-159 LAC 48:V.Chapters 1-83 LAC 48:V.Chapters 87-163 LAC 49 (all chapters) LAC 61:I.1915 LAC 67:VII.Chapter 3 LAC 67:VII.Chapter 13	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. October 22, 2025	LAC 48:I.Chapters 41-42,45-46,49-54,56-57,62,67-68,72,75,77-78,82,84-87,90-100, and 125	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. October 23, 2025	LAC Title 51 (all chapters)	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. October 24, 2025	LAC Title 50 (all chapters) LAC 67:III.Chapters 1-8	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA

Date	Rules Subject to Review	Location
9:00 a.m. October 27, 2025	LAC 48:I.Chapters 1-40 LAC 48:I.Chapters 101-123 LAC 48:I.Chapters 161-171 LAC 48:I.Chapter 201 LAC 48:III.Chapters 1-9 LAC 48:VII.Chapters 1-9 LAC 48:IX.Chapters 1-15 LAC 48:X.I.Chapter 17 LAC 67:VII.Chapter 9	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA

At each of the public hearings, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. The agency will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearings, please contact the LDH Rulemaking Coordinator at (225) 342-1342 at least five business days prior to the scheduled hearing.

Written comments may be submitted to Allen Enger, Statewide Program Manager, Office of the Secretary, P.O. Box 629, Baton Rouge, LA 70821-0629. Comments must be postmarked no later than Monday, October 20, 2025.

Bruce D. Greenstein
Secretary

2509#046

POTPOURRI

**Department of Public Safety and Corrections
Gaming Control Board**

Notice of Public Hearing
Request for Comments on Rulemaking

Under the authority of Act No. 454 of the 2018 Regular Legislative Session, codified as R.S. 49:964(B), and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Gaming Control Board ("LGCB") will hold a hearing to receive public comments from any interested person regarding the rules of the LGCB in the Clermont Room of the Livingston Building located at 1885 North Third Street, Baton Rouge, LA 70802 on November 7, 2025 at 9:30 a.m.

All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding gaming rules only, that the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The LGCB will consider fully all written and oral comments received from those in attendance at the hearing, as well as those written comments submitted in advance, which were timely received. Comments must be submitted in writing in order to be submitted to the legislative oversight committees.

Written comments must be dated and include the name, contact information, and signature of the person submitting the comments. Written comments must be postmarked no later than October 31, 2025. Written comments may be submitted to Jeremy Gathe, Assistant Attorney General,

Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearing, please contact the Louisiana Department of Justice, Gaming Division at 225-326-6500 at least five business days prior to the scheduled hearing.

Christopher B. Hebert
Chairman

2509#012

POTPOURRI

Department of Revenue Policy Services Division

Notice of Public Hearing Request for Comments on Rulemaking

In compliance with R.S. 49:964(B), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue will hold a public hearing for the purpose of receiving comments on any rule of Revenue and Taxation, LAC Title 61 Part I, Taxes Collected and Administered by the secretary of Revenue, LAC Title 61 Part III, Administrative and Miscellaneous

Provisions, LAC Title 42 Louisiana Gaming, Part 1 Charitable Bingo, Keno, Raffle, and LAC Title 55 Public Safety, Part VII Alcohol and Tobacco Control on Wednesday, October 29, 2025 at 9 am in the LaBelle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

At the public hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing, regarding these rules only for the purpose of receiving comments on any rule of the Department of Revenue which any interested person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome.

The Department of Revenue and its Offices of Alcohol and Tobacco Control and Charitable Gaming will consider fully all written and oral comments. However, only written comments received by the agency will be included in the Department's report to the legislative oversight committees. Written comments may be submitted prior to the hearing by email to Policy@LA.gov or by mail to, Brandea Averett, Louisiana Department of Revenue, P.O. Box 44098, Baton Rouge, LA 70804-4098. All written comments must include the name, contact information, and signature of the person submitting the comments and must be received no later than Tuesday, October 28, 2025.

Should individuals with a disability need an accommodation in order to participate please email Brandea Averett at LDRadarequests@la.gov or call (225) 219-2780.

Richard Nelson
Secretary

2509#005

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