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# Executive Orders

## EXECUTIVE ORDER JML 24-50

### Amended Bond Allocation 2024 Ceiling

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

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

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

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

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

WHEREAS, on February 5, 2024, Executive Order Number JML 24-19 was issued granting the Authority an allocation of the 2024 ceiling in the amount of \$16,030,978 for the Chevron U.S.A. Inc. project; and

WHEREAS, pursuant to Section 4 of JML 24-19, the Governor may amend or modify the time limitations placed on utilization of such allocation.

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: JML 24-19 is hereby modified and amended to allow the Louisiana Public Facilities Authority additional time to utilize the volume cap allocation granted by JML 24-19. The bond issue, as described in this Section and in JML 24-19, shall remain as follows:

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

Section 2: The allocation granted herein, being that same allocation granted by JML 24-19, shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of

a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The allocation granted herein, being that same allocation granted by JML 24-19, shall be valid and in full force and effect until Saturday, June 8, 2024; any unused amount of this 2024 ceiling allocation shall be deemed returned as of Saturday, June 8, 2024.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 9<sup>th</sup> day of April, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#100

## EXECUTIVE ORDER JML 24-51

### 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 24-36, which is in effect through April 14, 2024;

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, April 12, 2024 to Sunday,

May 12, 2024, unless amended, modified, or terminated sooner.

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

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#101

### EXECUTIVE ORDER JML 24-52

#### Renewal of State of Emergency—Police Officer Shortage

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;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor Jeff Landry declared a state of emergency in response to the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1), in JML 24-22;

WHEREAS, this emergency has been renewed and extended every thirty (30) days through JML 24-37, which is in effect through April 14, 2024;

WHEREAS, our Nation and State are experiencing a police officer staffing crisis, and law enforcement agencies are losing officers faster than they can hire new ones;

WHEREAS, nationally, law enforcement agencies experienced 47% more resignations in 2022 than in 2019 and 20% more retirements in 2022 than in 2019;

WHEREAS, 78% of national law enforcement agencies reported having difficulty in recruiting qualified candidates, and 65% reported having too few candidates applying to be law enforcement officers;

WHEREAS, 50% of national law enforcement agencies reported having to change agency policies to increase the chances of gaining qualified applicants, and 25% reported having to reduce or eliminate certain agency services, units, or positions because of staffing difficulties;

WHEREAS, the national police officer shortage has affected Louisiana with departments experiencing record-low employment and an increase in police officer response times resulting in an increased threat to the lives, property, and safety of persons within the State of Louisiana;

WHEREAS, the Louisiana Sheriffs' Association estimates that Louisiana sheriffs' offices were down approximately 1,800 deputies statewide as of July 2023;

WHEREAS, there currently exists a shortage of law enforcement officers in the State of Louisiana;

WHEREAS, the provisions of R.S. 14:139.1 do not apply when a public emergency necessitates an increase in the number of deputies;

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 in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1).

Section 2: This Order is effective upon signature and shall continue in effect from Friday, April 12, 2024 to Sunday, May 12, 2024, unless amended, modified, or terminated sooner.

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

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#102

### EXECUTIVE ORDER JML 24-53

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 24-38 which is in effect through April 14, 2024;

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, April 12, 2024 to Sunday, May 12, 2024, unless amended, modified, or terminated sooner.

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

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#103

### EXECUTIVE ORDER JML 24-54

State of Emergency—Severe Storms and Tornadoes  
April 10, 2024

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

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

WHEREAS, the National Weather Service ("NWS") issued multiple warnings on April 10, 2024, in anticipation of a line of thunderstorms threatening severe straight-line winds, flooding, and possible tornadoes;

WHEREAS, the NWS has confirmed that a tornado struck the city of Slidell in St. Tammany parish, causing power outages of greater than 50% in that municipality on April 10, 2024 (“Incident Date”), damaging or destroying at least 337 homes, 6 apartment units, 27 businesses, and 2 public buildings;

WHEREAS, the NWS has confirmed that a tornado struck the parish of West Feliciana, causing power outages of greater than 80% parish-wide on the Incident Date, requiring the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has confirmed that a tornado struck the parish of Pointe Coupee, causing power outages of greater than 50% parish-wide on the Incident Date, requiring the parish to declare a state of emergency and execute its emergency response plans;

WHEREAS, the NWS has confirmed that a tornado struck the parish of St. Landry, causing power outages of greater than 60% parish-wide on the Incident Date, requiring the parish to declare a state of emergency and execute its emergency response plans; and

WHEREAS, numerous other parishes have issued emergency declarations, are executing their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare 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, 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 as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana. State resources will be utilized to provide the following assistance in the parishes indicated:

A. Debris Removal Assistance: The State will provide assistance in the form of 75% of costs related to debris removal that are incurred within the first ten (10) days of debris operations or a validly issued Notice to Proceed to a debris contractor for the following parishes: *Pointe Coupee, West Feliciana, St. Landry, and St. Tammany (within the jurisdiction of the city of Slidell).*

B. Shelter Assistance: The State will provide assistance in the form of 75% of costs related to sheltering that are incurred within the first seven (7) days from the Incident Date for the following parish(es): *St. Tammany (within the jurisdiction of the city of Slidell).*

C. Emergency Protective Measures: The State will provide assistance in the form of 75% of costs attributable to emergency protective measures (limited to overtime pay) related to this event that are incurred on the Incident Date for the following parish(es): *Pointe Coupee, West Feliciana, St. Landry, and St. Tammany (within the jurisdiction of the city of Slidell).*

Section 2: The State will review resource requests submitted through WebEOC from all parishes, and may allocate resources as necessary to assist parishes in their recovery efforts. As incident impacts and parish resource requests are reviewed and validated, this section may be

amended to identify those parishes authorized to receive State resources.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: 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 5: Pursuant to R.S. 29:724(D)(l), the Louisiana Procurement Code (R.S. 39:1551. *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency by the following parishes: *Pointe Coupee, West Feliciana, St. Landry, and St. Tammany (within the jurisdiction of the city of Slidell)*, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

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 this event.

Section 7: This Order is effective upon signature and shall continue in effect from Tuesday, April 16, 2024 until Thursday, May 16, 2024, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 16<sup>th</sup> day of April, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#104

#### EXECUTIVE ORDER JML 24-55

Statewide Litter Abatement and Beautification—Task Force

WHEREAS, Louisiana is known as the “Sportsman’s Paradise” and is recognized worldwide for its tourism, natural beauty, outdoor opportunities, beautiful architecture, historic communities, and biodiversity;

WHEREAS, litter, the uncontrolled release of solid waste, is a blight on Louisiana’s natural areas, cities, towns, roadways, and waterways;

WHEREAS, regardless of whether it is in the form of trash, debris, or other items, litter that has been discarded improperly can end up along roadsides, in waterways, or otherwise be uncontained and improperly managed;

WHEREAS, litter has a detrimental impact on Louisiana's economic development by negatively impacting investment, infrastructure, and tourism;

WHEREAS, litter also adversely impacts neighborhoods and communities, including quality of life, crime, and other undesirable impacts;

WHEREAS, litter can impede waterways and exacerbate flooding concerns in flood-prone areas of the State;

WHEREAS, litter poses a threat to Louisiana's wildlife;

WHEREAS, following hurricanes, floods, and tornadoes, litter issues can be exacerbated due to widespread damage and debris; and

WHEREAS, a coordinated effort of state, local, private industry, nonprofit, and Louisiana residents can help to combat and minimize litter, identify and pursue educational and funding opportunities, and generate new ideas to reduce litter in our communities.

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

Section 1: The Governor's Task Force on Statewide Litter Abatement and Beautification (hereafter "Task Force") is hereby established and created within the executive branch. The Task Force shall be administered by the Lieutenant Governor's Office, Keep Louisiana Beautiful Program.

Section 2: The duties of the Task Force shall include but are not limited to the following:

A. Building an understanding of the key drivers of litter and barriers to litter abatement from the production of items that may become litter to consumer behavior with respect to litter;

B. Identifying solutions to reduce the presence of litter throughout Louisiana's roads, waterways, public spaces, parks, and communities; and

C. Establishing shared goals and values for litter abatement.

Section 3: On or before July 1, 2025, the Task Force shall submit an annual report including its recommendations and key priorities to the Governor.

Section 4: There shall be a chair of the Task Force who shall be appointed by the Governor. All other officers, if any, shall be elected by the members of the Task Force.

Section 5: The Task Force shall be comprised of a maximum of 21 members who, unless otherwise specified, shall be designated by and serve at the pleasure of the Governor. The membership shall include:

1. The Governor or his designee;
2. The Lieutenant Governor or his designee;
3. Commissioner of the Department of Administration or his designee;
4. The Secretary of the Department of Environmental Quality or his designee;
5. The Secretary of the Department of Corrections or his designee;

6. The Secretary of the Department of Economic Development or his designee;

7. The Secretary of the Department of Transportation and Development or his designee;

8. The Secretary of the Department of Wildlife and Fisheries or his designee;

9. Deputy Secretary of the Department of Public Safety and Corrections;

10. The Executive Assistant to the Governor for Coastal Activities or his designee;

11. One representative nominated by the Louisiana's Sheriffs Association;

12. One representative nominated by the Louisiana District Attorneys Association;

13. One representative nominated by the Louisiana Association of Chamber of Commerce Executives;

14. One representative from the Louisiana Municipal Association;

15. One representative from the Police Jury Association of Louisiana;

16. One representative of the tourism industry;

17. One representative from the recycling/waste management industry;

18. One representative from Louisiana's higher education system;

19. One representative from the Louisiana Department of Education;

20. One representative from a local chamber of commerce;

21. One representative from the trucking industry; and

Section 6: The Task Force shall meet at regularly scheduled intervals and at the call of the chair.

Section 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force. Task Force members who are an employee or an elected public official of the state of Louisiana or a political subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office. Task Force members who are also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

Section 8: This Order is effective upon signature and shall continue in effect until, amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 18<sup>th</sup> day of April, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#105

## EXECUTIVE ORDER JML 24-56

### 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 24-40;

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

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, 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, April 19, 2024 to Sunday, May 19, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19<sup>th</sup> day of April, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#106

## EXECUTIVE ORDER JML 24-57

### Renewal of State of Emergency—Department Of Transportation and Development

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

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

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

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in

**EXECUTIVE ORDER JML 24-58**

Louisiana Rehabilitation Council

providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University’s campus;

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

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

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

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

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

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University’s campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, April 26, 2024 to Sunday, May 26, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 26<sup>th</sup> day of April 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#107

WHEREAS, the State Rehabilitation Advisory Council was originally established by executive order to provide Louisiana’s citizens with disabilities assistance in their pursuit of meaningful careers and gainful employment through specific programs;

WHEREAS, the Rehabilitation Act of 1973, 29 U.S.C.A. §701 *et seq.*, as amended by the Workforce Investment Act (Public Law 105-220), and the Rehabilitation Act Amendments of 1998 and subsequent amendments to 29 U.S.C.A. §725, and the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128) provide the State of Louisiana with financial assistance to promote effective programs of vocational rehabilitation services for individuals with disabilities; and

WHEREAS, it is in the best interest of the citizens of the State of Louisiana to continue providing its citizens with disabilities vocational rehabilitation services and/or programs by the continuation of a rehabilitation council.

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 Louisiana Rehabilitation Council (hereafter “Council”) is reestablished within the executive department, Louisiana Workforce Commission;

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

A. Reviewing, analyzing, and advising the Louisiana Workforce Commission, Office of Louisiana Rehabilitation Services (hereafter “Louisiana Rehabilitation Services”), regarding the performance of its responsibilities, particularly the responsibilities relating to:

- i. Eligibility (including order of selection);
- ii. The extent, scope, and effectiveness of services provided; and

iii. Functions performed by state agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment under 29 U.S.C.A. §720 *et seq.*

B. In partnership with Louisiana Rehabilitation Services:

i. Developing, agreeing to, and reviewing the state goals and priorities for rehabilitation services in accordance with 29 U.S.C.A. §721(a)(15)(E); and

ii. Evaluating the effectiveness of the vocational rehabilitation program and submitting progress reports to the commissioner of the Rehabilitation Service Administration, Department of Education, Washington, D.C.;

C. Advising Louisiana Rehabilitation Services regarding activities authorized to be carried out under the Rehabilitation Act, and assisting in the preparation of and amendments to the state plan, together with the necessary applications, reports, needs assessments, and evaluations as required by 29 U.S.C.A. §720 *et seq.*

D. To the extent feasible, conducting a review and analysis of the effectiveness of, and consumer satisfaction with:

i. The functions performed by Louisiana Rehabilitation Services;

ii. The vocational rehabilitation services provided by Louisiana Rehabilitation Services and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under 29 U.S.C.A. §701 *et seq.*; and

iii. The employment outcomes achieved by eligible individuals receiving services under 29 U.S.C.A. §725, including the availability of health and other employment benefits in connection with such employment outcomes.

E. Preparing and submitting an annual report to the governor and the commissioner of the Rehabilitation Service Administration, Washington, D.C., on the status of vocational rehabilitation programs operating within the state, and making the report available to the public;

F. To avoid duplication of efforts and enhance the number of individuals served, by coordinating activities with the activities of other councils within the state, including the Statewide Independent Living Council, established under 29 U.S.C.A. §796d; the advisory panel established under §612(a)(21) of the Individuals with Disabilities Education Act (as amended by §101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17), [20 U.S.C.A. §1412 (a)(21)]; the State Developmental Disabilities Council described in §124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C.A. §6024); the State Mental Health Planning Council established under §1914(a) of the Public Health Service Act (42 U.S.C.A. §300x-4(a)); and the State Workforce Investment Council;

G. Providing for coordination and the establishment of working relationships between Louisiana Rehabilitation Services, the Statewide Independent Living Council, and the Centers for Independent Living within the state;

H. Preparing, in conjunction with Louisiana Rehabilitation Services, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan;

I. Supervising and evaluating such staff and other personnel as may be necessary to carry out its functions; and

J. Performing such other functions as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

Section 3: Members of the Council shall be selected from all areas of the state and shall be knowledgeable of the vocational rehabilitation services offered to individuals with disabilities. The majority of the membership of the Council shall be composed of Louisiana citizens with disabilities, representing a broad range of disabilities, and who are not employed by a Center for Independent Living, Louisiana Rehabilitation Services or any state agency.

Section 4: The Council shall consist of twenty-five (25) members, who shall be appointed by the Governor to serve terms of up to three (3) years, including:

A. Twenty-three (23) voting members selected as follows:

i. One (1) representative from the Statewide Independent Living Council, established under 29 U.S.C.A. §796d, who must be the chairperson or other designee of the Statewide Independent Living Council;

ii. One (1) representative from a parent training and information center established pursuant to §682(a) of the Individuals with Disabilities Education Act (as added by §101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17) [20 U.S.C.A. §1482(a)];

iii. One (1) representative of the Client Assistance Program established under 29 U.S.C.A. §732;

iv. One (1) representative from the service providers for the community rehabilitation program;

v. Four (4) representatives of business, industry, and labor;

vi. Twelve (12) members representing a cross section of the following categories:

a) Individuals with physical, cognitive, sensory, and/or mental disabilities;

b) Representatives of individuals with disabilities who have difficulty representing themselves; and

vii. One current or former applicant for, or recipient of, vocational rehabilitation services.

viii. One (1) representative of the directors of a project carried out under §121 of the Federal Rehabilitation Act Amendments of 1998;

ix. One (1) representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under 29 U.S.C.A. §720 and part B of the Individuals with Disabilities Education Act;

x. One (1) representative of the State Workforce Investment Council;

B. Two (2) non-voting ex officio members, selected as follows:

i. One (1) vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs shall serve as an ex officio, non-voting member of the Council; and

ii. The director of the Louisiana Rehabilitation Services shall serve as an ex officio, non-voting member of the Council.

Section 5: The voting members of the Council shall select a chair from among its voting membership.

Section 6: No member of the Council, other than the director of the Louisiana Rehabilitation Services, the representative of the Client Assistance Program and the representative of the Sect. 121 project, may serve more than two consecutive full terms.

Section 7: The majority of the voting membership of the Council shall not be composed of individuals who receive compensation, either directly or indirectly, for work they perform on behalf of any vocational rehabilitation service provider.

Section 8: The Council shall coordinate its activities with the Office of Disability Affairs, Office of the Governor. The Council shall follow all rules and regulations of the State of Louisiana, including those concerning purchasing, procurement, hiring, and ethics.

Section 9: Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

Council members who are employees or elected public officials of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Council members who are not employees of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49 and with the advance written approval of the commissioner of the Division of Administration.

Council members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

Section 10: The Council shall convene, a minimum of four (4) meetings a year, in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate.

Section 11: Support staff, facilities, and resources for the Council shall be provided by Louisiana Rehabilitation Services.

Section 12: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order.

Section 13: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29<sup>th</sup> day of April 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#108

### EXECUTIVE ORDER JML 24-59

#### Recreational Trails Program

WHEREAS, the Recreational Trails Program is an assistance program of the U.S. Department of Transportation's Federal Highway Administration designed to help states provide and maintain recreational trails for both motorized and non-motorized recreations trails use;

WHEREAS, the Recreational Trails Program provides funding for recreational trails in both urban and rural areas throughout the state;

WHEREAS, the Bipartisan Infrastructure Law of 2021 reauthorized the Recreational Trails Program through Federal fiscal years 2022 through 2026;

WHEREAS, the Recreational Trails Program for Louisiana is currently administered by the Department of Culture, Recreation and Tourism, within the Office of the Lieutenant Governor, as directed by JBE 2016 – 41;

WHEREAS, the Office of State Parks within the Department of Culture, Recreation and Tourism includes within its mission the administration of programs related to outdoor recreation and trails; and

WHEREAS, it is necessary to reauthorize the program and it is appropriate for administration of the program to continue under the Department of Culture, Recreation and Tourism, within the Office of the Lieutenant Governor.

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 Recreational Trails Program shall be administered by the Department of Culture, Recreation and Tourism, within the Office of the Lieutenant Governor.

Section 2: This Order supersedes JBE 2016 – 41, is effective upon signature, and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1<sup>st</sup> day of May 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#109

### EXECUTIVE ORDER JML 24-60

#### Reformation and Optimization of the Louisiana Department of Transportation and Development

WHEREAS, R.S. 36:501 provides for the general powers, duties and functions of the Louisiana Department of Transportation and Development ("Department");

WHEREAS, R.S. 36:502 *et seq.* establishes the organization of the Department through the creation of departmental offices and officers appointed by the Governor;

WHEREAS, R.S. 36:503-504 grant broad powers and authority to the Secretary of the Department ("Secretary") relative to the administration, control, and operations of the functions, programs, and affairs of the Department, subject to the general control and supervision of the Governor;

WHEREAS, R.S. 36:956 *et seq.* provides for the consolidation of administrative and programmatic divisions of departments, programs, and job positions and for the efficiency and economy in the delivery of services by the Department;

WHEREAS, R.S. 36:501(C)(2) provides that when the Secretary determines that the administration of the functions of the Department may be more efficiently performed by eliminating, merging, or consolidating existing offices or

establishing new offices, he shall present a plan therefor to the legislature for its approval by statute;

WHEREAS, prior administrations have ignored the will of the Legislature expressed in statutes governing the Department, tolerated the previous Department leadership's dereliction of duties owed to the Citizens of Louisiana, and failed to undertake any coordinated effort to address deficiencies or improve efficiency in the Department's operation;

WHEREAS, the failure to address long-standing deficiencies in the operation of the Department have fostered distrust of the Department by the Legislature and the public, contributed to a serious decline in the adequacy, safety, and efficiency of Louisiana's transportation systems, and inhibited economic development throughout the state;

WHEREAS, Governor Jeff Landry has directed the Secretary to identify deficiencies within the Department and develop a comprehensive plan to correct these deficiencies and comply with legislative directives in order to increase efficiency and repair the Department's relationship with the Legislature and the public;

WHEREAS, the Secretary of the Department has identified numerous areas of potential inefficiency within the Department and tasked Department personnel with evaluating the Department's existing policies and procedures and providing recommendations to increase efficiency and bring the Department into compliance with existing laws;

WHEREAS, to be most effective, efforts to reform the Department and increase efficiency cannot rely solely upon the recommendations of Department personnel, but must also consider views expressed by members of the public and private industry;

WHEREAS, instituting a comprehensive effort to address deficiencies within the Department and exercising the authority granted to the executive branch by the Legislature will ensure that public funds dedicated to transportation will be spent judiciously and provide maximum benefit to the people of Louisiana;

WHEREAS, a successful state transportation system provides a strong foundation for a robust economy.

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

Section 1: The Secretary of the Department shall continue his efforts to reform the Department by identifying and correcting existing deficiencies, increasing efficiency in the Department's operations, and shall do so in direct consultation with the public and private industry.

Section 2: All employees of the Department shall work diligently and cooperatively to identify deficiencies within the Department and opportunities for increased efficiency, and make recommendations for the implementation of measures to correct deficiencies and increase efficiency.

Section 3: The Secretary of the Department is directed to utilize all power and authority granted by the Legislature to its fullest extent to reform the Department as expeditiously as possible.

Section 4: No later than January 15, 2025, the Secretary shall provide a report to the Governor, the Commissioner of Administration, and the Secretary of the

Department of Revenue detailing: (1) efforts to rehabilitate the Department that were undertaken during the previous calendar year; (2) information and recommendations received from members of the public and private industry, and the Department's efforts to implement such recommendations and measures or explaining why such recommendations and measures were not pursued; (3) reforms that are planned to be introduced or that will continue in the upcoming year and thereafter; and (4) the extent to which the Department has identified and addressed existing deficiencies and increased efficiency in the Department's operation.

Section 5: If the Secretary determines the administration of the Department's functions may be more efficiently performed by eliminating, merging, or consolidating existing offices, establishing new offices, or other changes requiring legislative action, he shall present a plan for the Department's reorganization to the Legislature for its approval no later than January 15, 2025. Such report shall contain a specific statement of the reorganization and consolidation plan for the Department over the course of the following year.

Section 6: Upon issuing the report, the Secretary shall consult with the Commissioner of Administration, the Secretary of the Department of Revenue, and the Legislature regarding the contents of the report and institute a "Rebuild Louisiana" initiative with the goal of recommending measures that will increase funding for the state's transportation infrastructure to address the existing backlog of projects and substantially improve the adequacy, safety, and efficiency of Louisiana's transportation systems.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 1<sup>st</sup> day of May, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#110

### EXECUTIVE ORDER JML 24-61

#### Disaster Declaration—Crawfish Aquaculture Industry

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;

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 Executive Order Number JML 24-48 and expires on May 4, 2024;

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

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

WHEREAS, the State of Louisiana is the top producer of crawfish in the nation, generating an annual harvest between 175 and 200 million pounds;

WHEREAS, the crawfish industry in Louisiana contributes over \$500 million annually to Louisiana's economy;

WHEREAS, the State of Louisiana experienced extreme drought conditions and record temperatures with heat indices in the 100s through the summer and into the fall of 2023;

WHEREAS, the extreme drought conditions and the resulting lows in the Mississippi River resulted in saltwater intrusion from the Gulf of Mexico and the Intracoastal Waterway;

WHEREAS, 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-48, which expires May 4, 2024;

WHEREAS, the Small Business Administration issued an Economic Injury Disaster Loan declaration for the State of Louisiana on March 21, 2024 due to the incident of severe or extreme drought experience by the state from 9/19/23 through 12/5/2023;

WHEREAS, the President of the United States signed FEMA-3600-EM-LA on September 27, 2023, declaring Jefferson, Orleans, Plaquemines, and St. Bernard parishes to be impacted due to saltwater intrusion resulting from low water levels of the Mississippi River;

WHEREAS, in November of 2023, the LSU AgCenter compiled a preliminary estimate of the impact of drought and excessive heat on the Louisiana agriculture and forestry sectors;

WHEREAS, the LSU AgCenter found that over 46,300 crawfish acres could not be farmed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter projects that an additional 45,700 crawfish acres failed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, approximately 365,000 crawfish acres have been affected by the conditions of saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter predicts a statewide yield loss of 54% across the 365,000 affected crawfish acres;

WHEREAS, the exact fiscal impact to the State is indeterminable, and damages to the State's crawfish agriculture industry alone are estimated to total \$139.8 million;

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 disaster is declared to exist in Louisiana.

Section 2: 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 3: This Order is effective upon signature and shall continue in effect from Friday, May 3, 2024, until Sunday, June 2, 2024, unless amended, modified,

terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3<sup>rd</sup> day of May 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#111

### EXECUTIVE ORDER JML 24-62

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

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

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

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

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

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

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

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-49, which ends on May 4, 2024, and;

WHEREAS, there is a need to continue Executive Order Number JML 24-49 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S.

29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

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

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

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

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

Section 6: This order is effective upon signature and shall remain in effect from Friday, May 3, 2024 to Sunday, June 2, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3<sup>rd</sup> day of May 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#112

### EXECUTIVE ORDER JML 24-63

#### Renewal of State of Emergency—Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-47, which expires on May 4, 2024;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6: This order is effective upon signature and shall remain in effect from Friday, May 3, 2024 to Sunday, June 2, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3rd day of May 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#113

#### EXECUTIVE ORDER JML 24-64

##### Governor's Council on Murdered and Missing Indigenous Women and Girls

WHEREAS, Indigenous women face a staggering and tragically high rate of violence and assault, due to historically unjust marginalization throughout the United States of America, which has resulted in an ongoing national humanitarian crisis;

WHEREAS, May 5th has been designated by the United States Senate, the legislative bodies of various states and tribes, and numerous community organizations as a National Day of Awareness for Missing and Murdered Indigenous Women and Girls;

WHEREAS, in April of 2021, United States Interior Secretary Deb Haaland announced the formation of a new Missing and Murdered Unit within the Bureau of Indian Affairs Office of Justice Services to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives, seeking to put the full weight of the federal government into investigating these cases and to marshal law enforcement resources across federal agencies throughout Indian Country;

WHEREAS, the State of Louisiana is committed to partnering with federal, state, interstate, and intertribal efforts to address the injustice and violence done to indigenous women residing within our nation and our State; and

WHEREAS, by engaging a wide and diverse group of stakeholders, and through collaboration with state administration and law enforcement, Louisiana can and will

reduce the violence and harm threatening the lives and safety of women in our State's Indigenous communities.

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 Governor's Council on Murdered and Missing Indigenous Women and Girls (hereafter the "Council") is hereby established within the executive branch, Office of the Governor- Office of Indian Affairs.

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

A. To make recommendations to address rates of homicide, human trafficking, and sexual violence being perpetrated upon American Indian/Indigenous women and children in the State of Louisiana, categorized as Murdered and Missing Indigenous Women (MMIWG).

B. To promote greater public awareness of the ongoing crisis of violence against Indigenous women.

C. To make recommendations to the Governor and the Legislature regarding the formulation of solution-based policies and their implementation regarding the following:

1. Reviewing the responsibilities of federal, state, tribal, and local parish and city law enforcement agencies when responding to cases of murdered and missing Indigenous people;

2. Establishment of methods to increase coordination and communication among Federal, State, Tribal, and local Parish and City law enforcement agencies;

3. Establish standard law enforcement protocols to respond to the unique challenges and circumstances surrounding the crisis of murdered and missing indigenous women and children, with prioritization for response criteria to a missing person report;

4. Ensure that all non-resident workers who have been previously convicted of sex crimes in any jurisdiction register as sex offenders with the requisite authority in the State of Louisiana;

5. Review of current cultural competency practices employed by industrial operators in the State of Louisiana, including but not limited to human trafficking awareness training with a specific focus on murdered and missing indigenous women;

6. Establishment of guidelines specifically for reviewing possible MMIW "cold cases" and improving "cold case" investigative methodology, including analysis of the serial nature of MMIW crimes in reservation and urban environments; and

7. Increasing access to culturally appropriate victim services for both victims and their families.

Section 3: The Council shall meet at least quarterly and shall submit an annual report to the Governor and Legislature, until December 31, 2028, regarding its findings and recommendations.

A. The Office of Indian Affairs within the office of the governor shall provide to the council such clerical, administrative, and technical assistance and support as may be necessary to enable the Council to accomplish its goals.

B. The Council may establish subcommittees or working groups within the Council and appoint members to those subcommittees, including persons outside of the

council membership, as it deems necessary and appropriate to accomplish its goals.

C. The chair of the Council shall be designated by a two-third vote of the membership of the Council. All other officers, if any, shall be elected by and from the membership of the Council.

D. All meetings of the Council shall be subject to the Open Meetings Law as contained in R.S. 42:11, et seq. A majority of the serving members of the Council shall constitute a quorum. The Council shall act by a majority vote of its serving members.

E. Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

F. Council members who are employees of or an elected public official of the state of Louisiana or a political subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Section 4: The Council shall be composed of a maximum of twenty-five (25) voting members who, unless otherwise specified, shall serve at the pleasure of the governor:

1. One representative from each of the federally recognized and state-recognized tribal nations located within Louisiana, chosen by each tribe's respective tribal council;

2. One victims' advocate with experience of working in the field of sexual trauma and victim recovery, appointed by the Governor;

3. One representative of a Children's Advocacy Center, designated by the Executive Director of Louisiana Alliance of Children's Advocacy Center (LACAC);

4. The Director of the Governor's Office of Indian Affairs;

5. The Director of the Office of Human Trafficking Prevention;

6. One expert in Human Trafficking Prevention, appointed by the Governor;

7. One representative of the Louisiana Department of Justice, designated by the Attorney General;

8. One behavioral health professional, designated by the Secretary of the Louisiana Department of Health;

9. One Information Technology expert, designated by the Superintendent of the Louisiana State Police;

10. One representative of the Louisiana Department of Children and Family Services, designated by the Secretary;

11. One representative of the Office of Juvenile Justice, designated by the Deputy Secretary; and

12. One representative of the Board of Regents, designated by the Commissioner of Higher Education.

Section 5: The Council may collaborate with or seek input from additional local, state, and federal agencies or other stakeholders, including university or not-for-profit research institutions, to develop, implement, and evaluate the necessary components or actions of the Council.

Section 6: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order.

Section 7: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this day 3rd of May 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2405#114

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Licensing Section

Licensee Portal—Child Residential Care Class B,  
Residential Homes (Type IV), Child Placing Agencies  
General Provisions, and Juvenile Detention  
(LAC 67:V.6956, 7108, 7311, and 7507)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to adopt LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6956; amend Chapter 71, Residential Homes—Type IV, Section 7108, Chapter 73, Child Placing Agencies—General Provisions, Section 7311, and Chapter 75, Juvenile Detention Facilities, Section 7507. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 180 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on May 31, 2024, and shall remain in effect for a period of 180 days or until adoption of a final Rule, whichever occurs first.

The department considers emergency action necessary as the licensee portal for the submission of electronic corrective actions plans by the providers has been developed and implementation is pending rule promulgation. This electronic submission will streamline the corrective action plan approval process for providers. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

#### Title 67

### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

### Chapter 69. Child Residential Care, Class B §6956. Corrective Action Plans

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

information within three calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

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

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

### Chapter 71. Residential Homes—Type IV §7108. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within three calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:257 (February 2017), LR 50:

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

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

A. - K.3....

L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s)

will be completed, and outline the steps the child-placing agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

L.2. - N.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 50:848 (May 2023), effective June 1, 2023, LR 50:

#### **Chapter 75. Juvenile Detention Facilities** **§7507. Licensing Requirements**

A. - I.7. ...

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

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

2. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 50:848 (May 2023), effective June 1, 2023, LR 50:

David N. Matlock  
Secretary

2405#023

## **DECLARATION OF EMERGENCY**

### **Department of Economic Development Office of Business Development**

#### **Industrial Ad Valorem Tax Exemption Program (LAC 13:I.Chapter 5)**

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:962 (A)(1)(a) which provide for emergency procedures to establish rules, and R.S. 51:921 and R.S. 36:104 which allows the Department of Economic Development ("Department") to promulgate rules and regulations to protect the welfare and prosperity of the citizens of the state.

The Department and the Board of Commerce and Industry have an immediate need to amend the rules of the Industrial Tax Exemption Program (LA Const. Art. VII, Section 21) to implement programmatic changes in alignment with Executive Order JML 24-23. A delay in imposition would hinder effective administration of this program and delay access to the program by qualified applicants, resulting in an adverse financial impact on local governing authorities, the state, the Department, Louisiana businesses and taxpayers.

This Emergency Rule shall be effective April 24, 2024, and shall remain in effect for a period of 180 days unless renewed by the Department or until adoption of final rules, whichever occurs first.

#### **Title 13**

#### **ECONOMIC DEVELOPMENT**

#### **Part I. Financial Incentive Programs**

#### **Chapter 5. Industrial Ad Valorem Tax Exemption Program**

#### **Subchapter B. ITEP Rules for Projects with Advances Filed on or after February 21, 2024**

#### **§539. Statement of Purpose**

##### **A. Purpose**

1. Louisiana values its manufacturers and their contributions to its economy.

2. Article VII, Section 21(F) of the Louisiana Constitution of 1974 provides that the Board of Commerce and Industry (Board), with the approval of the Governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment on such terms and conditions as the Board, with the approval of the Governor, deems is in the best interest of the state.

##### **B. Best Interest of the State**

1. The provisions set forth in this Subchapter establish the criteria that the governor and the board will consider for purposes of deciding what is in the best interest of the state.

##### **C. Applicability**

1. The provisions set forth in this Subchapter shall apply to projects with advances filed on or after February 21, 2024.

2. The provisions set forth in this Subchapter shall not apply to projects with advances filed prior to February 21, 2024, or ITEP projects approved by the board prior to February 21, 2024.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### §541. Definitions

*Addition to a Manufacturing Establishment—*

1.a. a capital expenditure for property that would meet the standard of a new manufacturing establishment if the addition were treated as a stand-alone establishment;

b. a capital expenditure for property that is directly related to the manufacturing operations of an existing manufacturing establishment; or

c. an installation or physical change made to a manufacturing establishment that increases its value, utility or competitiveness;

2. maintenance capital, required environmental capital upgrades, and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, shall not qualify as an addition to a manufacturing establishment;

3. expenses associated with the rehabilitation or restoration of an establishment as provided for in §511 shall be included as an addition to a manufacturing establishment.

*Beginning of Construction—*the first day on which foundations are started or, where foundations are unnecessary, the first day on which installations of the manufacturing establishment begins.

*Board—*Board of Commerce and Industry.

*Capital Expenditure—*the cost associated with a new manufacturing establishment or an addition to an existing manufacturing establishment, including purchasing or improving real property and tangible personal property, whose useful life exceeds one year and which is used in the conduct of business.

*Committee—*Local ITEP Committee

*Department—*Louisiana Department of Economic Development.

*Establishment—*an economic unit at a single physical location.

*Exhibit A—*a resolution from the Local ITEP Committee signifying its approval or denial of an exemption contract for a specific ITEP application.

*Integral—*required to make whole the product being produced.

*LDR—*Louisiana Department of Revenue.

*Local Governmental Entity—*the parish governing authority, school board, sheriff, and any municipality in which the manufacturing establishment is or will be located.

*Maintenance Capital—*costs incurred to conserve as nearly as possible the original condition.

*Manufacturer—*a person or business who engages in manufacturing at a manufacturing establishment.

*Manufacturing—*working raw materials by means of mass or custom production, including fabrication, applying manual labor or machinery into wares suitable for use or

which gives new shapes, qualities or combinations to matter which already has gone through some artificial process. The resulting products must be suitable for use as manufactured products that are placed into commerce for sale or sold for use as a component of another product to be placed, and placed into commerce for sale.

*Obsolescence—*the inadequacy, disuse, outdated or non-functionality of facilities, infrastructure, equipment or product technologies due to the effects of time, decay, changing market conditions, invention and adoption of new product technologies or changing consumer demands.

*Qualified Disaster—*

1. a disaster which results from:

a. an act of terror directed against the United States or any of its allies; or

b. any military action involving the Armed Forces of the United States and resulting from violence or aggression against the United States or any of its allies (or threat thereof), but not including training exercises;

2. any disaster which, with respect to the area in which the manufacturing establishment is located, resulted in a subsequent determination by the president of the United States that such area warrants assistance by the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

3. a disaster which is determined by an applicable federal, state, or local authority (as determined by the secretary) to warrant assistance from the federal, state, or local government, or agency or instrumentality thereof; or

4. any other extraordinary event that destroys or renders all or a portion of the manufacturing establishment inoperable.

*Rehabilitation—*the extensive renovation of a building or project that is intended to cure obsolescence or to repurpose a facility.

*Required Environmental Capital Upgrades—*upgrades required by any state or federal governmental agency in order to avoid fines, closures or other penalty. Environmental upgrades demonstrated to be in excess of state and federal governmental agency requirements shall not be considered required environmental capital upgrades.

*Restoration—*repairs to bring a building or structure to at least its original form or an improved condition.

*Secretary—*secretary of the Louisiana Department of Economic Development.

*Site—*one or more contiguous parcels of land which are under the control of the manufacturing establishment or which contains certain assets of the manufacturing establishment.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### §543. Ineligible Items: Property, Land, Inventories

A. The following items are ineligible for the tax exemption:

1. Property

a. Miscellaneous capital additions, maintenance capital, required environmental capital upgrades and replacement parts, except those replacements required in the

rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, are not eligible for the tax exemption.

b. If the establishment or addition is on the taxable rolls and property taxes have been paid at more than 20 percent, the establishment or addition is not eligible for the exemption.

c. The board shall not consider for tax exemption any property previously subject to an ad valorem tax exemption that has expired or otherwise been terminated.

2. Land. The land on which a manufacturing establishment is located is not eligible for tax exemption.

3. Inventories

a. inventories of raw materials used in the course of manufacturing;

b. inventories of work-in-progress or finished products;

c. any other consumable items.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§545. Eligible Items: Buildings and Facilities Used in Manufacturing, Leased Property, Capitalized Materials, Integral Parts of the Manufacturing Operation, Rehabilitation and Restoration of Property, Relocations, Used Equipment.**

A. The following items may be eligible for the tax exemption.

1. Buildings and Facilities Used in Manufacturing. The board shall consider for tax exemption buildings and facilities used in the operation of new manufacturing establishments located within the state of Louisiana (subject to the limitations stated in §543) and additions to manufacturing establishments within the state of Louisiana. Exemptions are granted to the owners of buildings that house a manufacturing establishment and facilities that are operated specifically in the manufacturing of a product. The board recognizes two categories of ownership:

a. owners who engage in manufacturing at said facilities; and

b. owners who are not engaged in manufacturing at said manufacturing establishment, but who have provided either or both of the following for a predetermined manufacturing establishment:

i. buildings to house a manufacturing establishment;

ii. facilities that consist of manufacturing equipment operated specifically in the manufacturing process;

c. owners who are not engaged in manufacturing at the manufacturing establishment are eligible for the exemption only if the manufacturer at the site is obligated to pay the property taxes if the exemption were not granted.

2. Leased Property. Leased property is eligible for the exemption, if the property is used in the manufacturing process, is and remains on the plant site, and the manufacturer is obligated under the lease agreement to pay the property taxes if the exemption were not granted.

3. Capitalized Materials

a. Capitalized materials which are an essential and integral part of a manufacturing process, but do not form part of the finished product, may be exempted along with the manufacturing establishment. Some examples of these are:

i. ammonia in a freezing plant;

ii. solvent in an extraction plant; and

iii. catalyst in a manufacturing process.

b. To be eligible for exemption, a manufacturing establishment must be in an operational status and engaged in manufacturing. An owner of a new manufacturing establishment under construction may apply for an exemption with the expectation that the manufacturing establishment will become operational. If the manufacturing establishment fails to become operational or ceases operations without a reasonable expectation of recommencing operations, the facility shall no longer be eligible for exemption and its contract shall be subject to termination under §569.

4. Integral Parts of the Manufacturing Operation.

Property that is an integral part of the manufacturing operation is eligible for the tax exemption.

a. The following activities are considered to be integral to the manufacturing process:

i. quality control/quality assurance;

ii. packaging;

iii. transportation of goods on the site during the manufacturing process;

iv. other on site essential activities as approved by the secretary and the board.

5. Rehabilitation and Restoration of Property

a. Capital expenditures for the rehabilitation or restoration of an existing establishment may be exempted if it is not maintenance. If replacements or upgrades are made as part of a rehabilitation or restoration to an establishment, only the capital expenditures in excess of original cost shall be eligible for tax exemption. A deduction for the original cost of property to be replaced shall not be made if the project will result in capital additions that exceed \$50,000,000.

b. Exemption may be granted on the costs of rehabilitation or restoration of a partially or completely damaged facility, but only on the amount in excess of the original cost.

c. Original costs deducted from rehabilitation or restoration made or rebuilding shall be clearly documented.

d. A deduction for the original cost of property to be replaced as part of a rehabilitation or restoration, as provided by sections a or b above, shall not be made if the project is related to the replacement or reconstruction of property after the destruction of or damage to such property, as a result of a qualified disaster.

6. Relocations

a. A manufacturing establishment moved from one location in the state to another place within the state shall be eligible for the unexpired consecutive years, if any, of the tax exemption contract granted at the original location.

b. If a manufacturing establishment moves from one location in the state to another location within the state, the company shall be required to seek approval of the parish

governing authority, the school board, the sheriff, and any municipality in which the manufacturing establishment will be located if these local governing authorities are different than those that approved the exemption at the original site.

7. Used Equipment. Used equipment is eligible for tax exemption provided no ad valorem property taxes have been paid in Louisiana on said property.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### **§547. Advance Notification**

A. An advance notification of intent to apply for tax exemption shall be filed with the department through the department's online Fastlane portal prior to the beginning of construction or installation of facilities on all projects for tax exemption. An advance notification fee of \$250 shall be submitted with the form. The advance notification will expire and become void if no application is filed within 12 months of the estimated project ending date stated in the advance notification. The estimated project ending date as stated on the advance notification may be amended by the applicant if the amendment is made prior to the estimated project ending date.

B. A separate advance shall be required for each program. The applicable advance notification fee for each program for which the applicant anticipates applying shall be submitted with the advance notification.

C. An advance notification shall include but not be limited to a project description, NAICS code, project start and end dates.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### **§549. Application**

A. An application for tax exemption may be filed with the department through the department's online Fastlane portal, subject to the following conditions:

1. the filing may be either concurrent with or after filing the advance notification, but no later than 90 days after the beginning of operations or end of construction, whichever occurs first;

2. the deadline for filing the application may be extended pursuant to §561;

3. an applicant shall file an individual application for any calendar year in which property becomes operational or usable;

4. an application fee shall be submitted with the application in the amount equal to 0.5 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be smaller than \$500 and in no case shall a fee exceed \$15,000 per project.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### **§551. Consultation with the LDR**

A. The department will provide a copy of the application and all relative information to the Louisiana Department of Revenue (LDR) for review. LDR may require additional information from the applicant. The department must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the application to the board for action.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### **§553. Department Presentation to the Board**

A. After its review and determination of eligibility, the department will prepare the application information in a format suitable for presentation to the board.

B. The board must approve the application prior to a contract being issued.

C. Applicant or its representatives will be notified of the board meeting date at which their application will be considered. The applicant should have someone present who is able to answer any questions the board may have regarding the information contained in the application, otherwise the application may be deferred or denied.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

#### **§555. Board Consideration of Application**

A. Eligibility of the applicant and the property for the exemption, including whether the activities at the site meet the definition of manufacturing, will be reviewed by the board based upon the facts and circumstances existing at the time the application is considered by the board.

1. Applications which provide for a new manufacturing establishment or which provide for an expansion of, or an addition to an existing manufacturing establishment, shall be favored by the board.

2. The board will receive all public comment given at the board meeting, or any written comments filed with LED prior to the board meeting date.

B. The property exempted may be increased or decreased based upon review of the application, project completion report or affidavit of final cost.

C. An application filed prior to completion of construction may be considered by the board and a contract may be executed based upon the best available estimates, subject to adjustments, as necessary, upon review and approval of the project completion report and affidavit of final cost.

1. If the applicant fails to timely file the project completion report or affidavit of final cost the board may, after notice to the applicant, terminate the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§557. Local ITEP Committee—Establishment, Consideration of Application, Meetings, and Determination**

**A. Establishment**

1. The following local officials or employees shall be voting members and collectively comprise an ad hoc Local ITEP Committee (the Committee):

- a. the parish president or the president of the police jury;
- b. the president of the school board or the superintendent of the school board, as elected by resolution of the school board; and
- c. the sheriff or his designee; and, if applicable,
- d. the mayor, if the project is located in a municipality;

2. Additional, ex-officio non-voting members may include:

- a. the assessor;
- b. the parish's highest-ranking economic development staff;
- c. members of the local economic development organization; or
- i. if no local economic development organization exists, a representative from the regional economic development organization.

**B. Consideration of ITEP Applications**

1. The summary agenda and the summary tables on all applications on the agenda for the regular meetings of the board shall be posted on LED's website at least one week prior to the meeting, but no later than 24 hours from when the board packet is provided to the board when feasible.

a. the committee is encouraged, but not required, to send comments to the board prior to the assigned meeting date for consideration of an application.

2. Upon the board's approval of an ITEP application, LED shall transmit notice documents regarding the approved application, which may include but not be limited to:

- a. a copy of the ITEP application;
- b. a notice of board approval;

3. Notice documents shall be transmitted to the Local ITEP Committee as follows:

- a. directly to the individual voting members with email addresses on-file with LED, or if applicable and preferred, to one centralized Local ITEP Committee email address on file with LED; and
- b. shall be made available to ex-officio non-voting members and the public via a posting on the department's website;
- c. such notice shall be transmitted or posted by the department within three business days of the approval.

**C. Meetings**

1. Upon receipt of notice, a 15-day notice period begins.

2. The committee is not required to hold a meeting, however, any such meeting held to consider an ITEP application shall be considered public business and conducted by officials in accordance with Open Meetings laws.

3. Within the 15 day notice period, the committee may notice a public meeting to be held at a location customarily used by the parish council or police jury for public meetings for purposes of considering the ITEP application.

4. If the committee places the application on the agenda for a public meeting, the committee will have an additional 30 days (for a total of 45 days from the start of the notice period) to conduct a public meeting.

**D. Determination**

1. The committee shall submit to the department a resolution stating the approval or rejection of industrial ad valorem tax exemption applications within its jurisdiction.

2. Any resolution shall be submitted to the department no later than 45 days from the start of the notice period.

3. If the committee does not take action or provide a resolution as required herein, then the application will be deemed approved by such entity.

E. Decisions by the committee are not dispositive and do not bind the governor or the board.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§559. The Contract**

A. Upon board approval of an application and subsequent receipt of the Local ITEP Committee's determination, LED shall draft a contract setting forth the terms and conditions, which may include but not be limited to the following:

- 1. an initial term of no more than five calendar years;
- 2. a term of renewal for an additional time period of up to five years; and
- 3. an ad valorem exemption of 80 person.

B. The contract shall be submitted to the business electronically via LED's electronic document signing system, or other method as may otherwise be approved by all parties.

C. The business must execute its portion of the contract within 90 days. If the contract is not executed and submitted to the department within 90 days, the board's approval shall be deemed rescinded.

D. Once the contract has been executed by the business and the board, the contract, including any Local ITEP Committee determination reflected in the form of a resolution, included as Exhibit "A" to the contract, shall be submitted to the governor for review and consideration.

E. The governor may approve or deny the contract, and a contract shall not be considered effective or binding upon the state until signed by the governor.

F. The terms for the governor's approval of the contracts for ITEP, as provided for in Executive Order JML 24-23, represent the primary cause for the governor's approval of an ITEP contract. Any occurrence that operates to change, suspend, or breach the terms of the contract shall render the approval of the governor null and void.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§561. Extension of Time**

A. The department may grant an extension of up to six months for the filing of an application, a project completion report, or an affidavit of final cost, provided the request for extension is received prior to the filing deadline.

B. Additional extensions of time may be granted by the secretary for good cause. Good cause may include but not be limited to events beyond the reasonable control of the parties, such as an act of God, an act of war, an act of terrorism, a cyberattack, or a natural disaster due to earthquake, landslide, fire, flood, tornado, tropical storm or hurricane. The business shall have the burden of establishing good cause.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

### **§563. Effective Date of Contract; Project Completion Report**

A. The owner of a new manufacturing establishment or addition shall document the beginning date of operations and the date that construction is substantially complete. The owner must file that information with the department on the prescribed project completion report form not later than 90 days after the beginning of operations, completion of construction, or receipt of the fully executed contract, whichever occurs last. A project completion report fee of \$250 shall be submitted with the form. The deadline for filing the project completion report may be extended pursuant to §551.

B. The effective date of tax exemption contracts for property located in parishes other than Orleans Parish shall be December 31 of the year in which effective operation began or construction was essentially completed, whichever occurs first. The effective date of tax exemption contracts for property located in Orleans Parish shall be July 31 of the applicable year.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

### **§565. Affidavit of Final Cost**

A. Within six months of the beginning of operations, completion of construction, or receipt of the executed contract, whichever occurs last, the owner of a manufacturing establishment or addition shall file on the prescribed form an affidavit of final cost showing complete cost of the exempted project. A fee of \$250 shall be filed with the affidavit of final cost or any amendment to the affidavit of final cost. Upon request by the department, a map showing the location of all facilities exempted in the project shall be submitted in order that the exempted property may be clearly identifiable. The deadline for filing the affidavit of final cost may be extended pursuant to §561.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

### **§567. Renewal of Tax Exemption Contract**

A. Application for renewal of the exemption must be filed with the department through the department's online Fastlane portal not more than six months before, and not later than, the expiration of the initial contract. A fee of \$250 shall be filed with the renewal application. The document shall not be considered officially received and accepted until the appropriate fee is submitted. Upon proper showing of

compliance with the initial contract of exemption, a renewal contract of exemption may be approved by the board for an additional period of no more than five years and provide for an ad valorem exemption of 80 percent.

B. Eligibility of the applicant and the property for renewal of the exemption will be reviewed by the board using the same criteria that was used for the initial contract, and based upon the facts and circumstances existing at the time the renewal application is considered.

C. The board shall have the option of submitting a board approved renewal application to the local governmental entities for approval in accordance with the procedures for approval of the initial exemption contract.

D. The term of the renewal contract shall be reduced by one year for each calendar month, or portion thereof, that the renewal application is filed late. The board may impose any other penalty for late renewal submission that it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

### **§569. Violation of Rules or Documents; Inspection**

A. The board reserves the right, on its own initiative or upon written complaint of an alleged violation of terms of tax exemption rules or documents, to conduct an inspection. During the inspection, the department may cause to be made a full investigation on behalf of the board and shall have full authority for such investigation including authority to demand reports or pertinent records and information from the applicant and complainants. Results of the investigation will be presented to the board.

B. All contracts of exemption shall be subject to inspection. If an inspection indicates that the applicant has violated any terms of the contract or rules, or that the exempt facility is not engaged in manufacturing, the board may conduct a hearing to reconsider the contract of exemption, after giving the applicant not less than 60 days' notice.

C. If the board determines that there has been a violation of the terms of the contract or the rules, that the property exempted by the contract is not eligible because it is not used in a manufacturing process, or that the facility has not commenced or has ceased manufacturing operations, the board may terminate or otherwise modify the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

### **§571. Reporting Requirements for Changes in Operations**

A. The department is to be notified immediately of any change which affects the tax exemption contract. This includes, but is not limited to, any changes in the ownership or operational name of a firm holding a tax exemption contract. A fee of \$250 shall be filed with a request for any contract amendment, including but not limited to, a change of ownership, change in name, or change in location. The board may consider restrictions or cancellation of a contract for cessation of the manufacturing operation, or retirement of any portion of the exempted equipment. Failure to report any material changes constitutes a breach of contract and,

with approval by the board, shall result in restriction or termination.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§573. Sale or Transfer of Exempted Manufacturing Establishment**

A. In the event an applicant should sell or otherwise dispose of property covered by a contract of exemption, the purchaser of the said plant or property may, within three months of the date of such act of sale, apply to the board for a transfer of the contract. A fee of \$250 shall be filed with a request to transfer the contract. The board shall consider all such applications for transfer of contracts of exemption strictly on the merits of the application for such transfer. No such transfer shall in any way impair or amend any of the provisions of the contract so transferred other than to change the name of the contracting applicant. Failure to request or apply for a transfer within the stipulated time period shall constitute a violation of the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

**§575. Reporting to the Parish Assessor**

A. The applicant shall file annually with the assessor of the parish in which the manufacturing establishment is located, a complete taxpayer's report on forms approved by the Tax Commission, in order that the exempted property may be separately listed on the assessment rolls.

B. All property exempted shall be listed on the assessment rolls and submitted to the Tax Commission or its successor and up to 80 percent of the taxes shall not be collected thereon during the period of exemption.

C. Taxes shall be exempted in accordance with the provisions of the contract, which are available to Parish Assessors through the department's online Fastlane portal.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the State Board of Commerce and Industry and the Department of Economic Development, LR 50:

Susan B. Bourgeois  
Secretary

2405#005

**DECLARATION OF EMERGENCY**

**Department of Health  
Health Standards Section**

Hospitals Licensing Standards  
(LAC 48:I.9303 and 9353)

The Department of Health, Health Standards Section amends LAC 48:I.9303 and §9353 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in

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

The Department of Health, Health Standards Section amends the provisions governing the licensing of hospitals in order to add a new definition, and to include provisions for the distribution of naloxone nasal spray to patients and/or non-patients who present in the hospital.

This action is being taken due to the drastic increase in the number of fatal opioid overdoses in Louisiana. To prevent the imminent peril to the health, safety, and welfare of the public, access to a life-saving medication to reverse opioid overdose will be expanded. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2023-2024. This action is effective April 29, 2024.

**Title 48**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 93. Hospitals**

**Subchapter A. General Provisions**

**§9303. Definitions**

\* \* \*

*Naloxone Nasal Spray*—an over-the-counter (OTC) Food and Drug Administration (FDA) approved medication that rapidly reverses the effects of opioid overdose.

\* \* \*

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), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

**Subchapter D. Pharmaceutical Services**

**§9353. Delivery of Services**

A. - L. ...

M. Naloxone nasal spray, as an over-the-counter (OTC) non-prescription drug, may be distributed by the hospital to patients and/or non-patients who present in the hospital. Other non OTC formulations and dosages of naloxone will remain available by prescription only.

AUTHORITY NOTE: Promulgated in accordance with 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 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

**Public Comments**

Tasheka Dukes, RN, Health Standards Section, is responsible for responding to inquiries regarding this Emergency Rule.

Ralph L. Abraham, M.D.  
Secretary

2405#009

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Office of Management and Finance

#### Firemen Supplemental Pay (LAC 55:XV.Chapters 1, 3, 5, 7, 9 and 20)

In accordance with the emergency provisions of R.S. 49:962(A)(1), the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) hereby recognizes exigent circumstances requiring utilization of the emergency process for implementation of the attached Rule relative to warrant and payroll procedures for Firemen Supplemental Pay, authorized and administered pursuant to Act 637, 2022 regular session of the legislature. Prior to enactment of Act 637, the law required the fire chief of the respective municipality, parish, or fire protection district to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, on the basis of such warrants, the secretary of the department had to prepare, sign, and issue individual checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fiscal year. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality, parish, or fire protection district (governing authority). The new law streamlined the process by requiring the governing authority to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the governing authority. The governing authority then distributes the supplemental pay directly to its individual recipients. When there is an error, the governing authority and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances

predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This Rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this Rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of Act 637.

This Rule shall have the force and effect of law on May 2, 2024, and will remain in effect for 180 days, unless renewed by the department, or until permanent rules are promulgated in accordance with law.

## Title 55 PUBLIC SAFETY

### Part XV. Firemen Supplemental Pay

#### Chapter 1. Warrants

##### §101. Purpose

A. The warrant consists of a listing of each recipient in each municipality, parish, or fire protection district who is currently receiving supplemental pay and a signature sheet. The warrant is the governing authority's authorization for the Department of Public Safety and Corrections, Public Safety Services (department) to pay the listed individuals for the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

##### §103. Who Can Sign the Warrants

A. Two officials shall sign every warrant authorizing payment of supplemental pay in addition to the preparer. The fire chief is required to sign the warrant as the approving officer. The certifying official shall be the mayor on behalf of a municipal department, or the parish president, or the presiding officer of the governing authority of a fire protection district.

B. The department will request certifying signature authorizations annually. The governing authority shall notify the department whenever there is a change in any of the authorized signatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

##### §105. Municipality, Parish, or Fire Protection District's Obligation

A. The department shall direct deposit the supplemental pay for employees listed on the warrant to the recipient. If the department overpays the recipient as a result of a change in any employee's employment status, the applicable governing authority will be invoiced and shall promptly reimburse the department. If an overpayment is not a result of error by the municipality, parish, or fire protection district, the department shall collect the overpayment from the recipient. If the recipient's mailing address is undeliverable, the department shall collect such overpayment from the municipality, parish, or fire protection district. The municipality, parish, or fire protection district shall use extreme care in ascertaining each recipient's

eligibility for the next month prior to certifying and submitting the warrant.

B. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality, parish, or fire protection district is hereby deemed to acknowledge understanding of the following legal ramifications. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the document or wrongfully altering the document and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

### **§107. How to Indicate Changes**

A. It is the municipality, parish, or fire protection district's responsibility to review each month's warrant and verify the correctness of the names and job titles of all recipients. Any changes in name, job title, employment status dates, the municipality, parish, or fire protection district's mailing address, the signors' email addresses, and any other changes, shall be boldly noted in red on the warrant. All changes to an employee's employment status, including but not limited to resignation, retirement, suspension without pay, military leave with or without pay, workers' compensation leave, or any other type of unpaid leave shall be noted on the warrant.

B. The municipality is responsible for notifying the department immediately of any changes which occur after the warrant is submitted. Any change to an employee's employment status that occurs after the warrant is submitted for supplemental pay shall be included and reflected on the immediately following payroll month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

### **§109. Due Date**

A. The approved and certified warrant is due in the supplemental pay office by the close of business on the fifteenth day of the month. If the fifteenth day of the month is a Saturday or Sunday or a legal holiday, the warrant shall be received by the Friday immediately prior thereto. If the warrant is not received by the fifteenth day of the month, the municipality, parish, or fire protection district shall not receive its supplemental pay until the warrant is received. In that event, the next payment shall include both the past payment and the current payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

## **Chapter 3. Applications**

### **§301. Requirements**

A. The municipality is required to submit all applications online on the MyLa portal (portal), using the most current forms and instructions on the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2006 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

## **Chapter 5. Changes in Status**

### **§501. When to Notify the Department**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Act 637 (April 2022), amended LR 50:

### **§503. Resignations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§505. Suspensions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:246 (April 1987), repealed LR 50:

### **§507. Leave without Pay**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:246 (April 1987), repealed LR 50:

### **§509. Change in Duties**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§511. Change in Classification/Title**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services LR 13:246 (April 1987), repealed LR 50:

### **§513. Workmen's Compensation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§515. Death**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

## **Chapter 7. Reinstatements**

### **§701. Reinstatement from Suspension**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§703. Reinstatement from Resignation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§705. Reinstatement from Workmen's Comp**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§707. Reinstatement from L.W.O.P.**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

## **Chapter 9. Payroll Information**

### **§901. Eligibility Requirements for supplemental pay**

A. The following criteria must be attained for an employee to be eligible for supplemental pay:

1. the employee shall work full-time while performing fire protection duties;
  2. the employee shall be firefighter 1 certified;
  3. the employee shall have one-year of prior service;
- and
4. the employee's salary shall be paid entirely from funds of the municipality, parish, fire protection district, or tribe.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

### **§903. Board Approval of Applications**

A. Decisions of the board are final, as per R.S. 40:1667.6. However, the employee has the right to appeal a board decision. The department will mail a letter of denial to the applicant within 10 business days after the board's decision. Written notice of intent to appeal the board's decision shall be submitted to the department no later than 30 days after receipt of the denial letter from the department. The appeal shall be included on the next regular meeting agenda. The board also decides back pay cases on an individual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections Public Safety Services, LR 13:246 (April 1987), amended LR 50:

### **§904. Daily Rate Calculation**

A. Supplemental pay shall be prorated for the number of days worked using the current daily scale when a supplemental pay recipient works less than a full month. State supplemental pay shall be distributed monthly based on a 30-day cycle. When the daily rate (currently monthly pay amount divided by 30 days) is calculated, the recipient will be paid for the number of days in the month. The most recent daily pay grid shall be posted to the MUNPAY website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Act 637 (April 2022) LR 50:

### **§905. Waiting Period for New Employees**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§907. Step Increases**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§909. Cutoff Date for Raises**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§911. Cutoff Date for Eligibility for that Month's Check**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

### **§913. Back Pay Policy**

A. The Department of Public Safety's fiscal year ends on June 30, therefore, Legislative approval is required for back supplemental pay beyond July. The Board of Review must approve all back supplemental pay, whether or not it extends beyond the current fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

### **§915. Stop Payments**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§917. Duplicate W-2's**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§919. Correspondence**

A. All correspondence to the department shall come from the applicable municipality, parish, or fire protection district, not the individual recipient. In all correspondence, the applicable municipality, parish, or fire protection district shall include the recipient's full name and Social Security number, and the name, address, telephone number, and official e-mail address of the municipality, parish, or fire protection district. The subject matter line of the e-mail must include Fire, the name of the municipality, parish, or fire protection district, and the reason for the e-mail, for example: Fire—Baton Rouge FD—Warrant/Application/Change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended LR 50:

**Chapter 20. Sample Forms**

**§2001. Sample Application with Prior Service—Civil Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§2003. Sample Civil Service Personnel Action Form**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§2005. Sample Certificate of Prior Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§2007. Sample Application—Non Civil Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**§2009. Sample Warrant**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.5 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed LR 50:

**Public Comments**

Candy Diez, Administrative Program Manager, Public Safety Services, Office of Management and Finance, Financial Services Division, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance.

Lt. Colonel Greg Graphia, LSP  
Chief Administrative Officer

2405#014

**DECLARATION OF EMERGENCY**

**Department of Public Safety and Corrections  
Office of Management and Finance**

**Municipal Police Officers Supplemental Pay  
(LAC 55:XVII.Chapter 1, 3, 5, 7, 9, and 20)**

In accordance with the emergency provisions of R.S. 49:962(A)(1), the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) hereby recognizes exigent circumstances requiring utilization of the emergency process for implementation of the attached Rule relative to warrant and payroll procedures for Municipal Police Officers Supplemental Pay, authorized and administered pursuant to Act 637, 2022 regular session of the legislature. Prior to enactment of Act 637, the law required the mayor of the respective municipality to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, on the basis of such warrants, the secretary of the department had to prepare, sign, and issue individual checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fiscal year. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the

procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality. The new law streamlined the process by requiring the municipality to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the municipality. The municipality then distributes the supplemental pay directly to its individual recipients. When there is an error, the municipality and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This Rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this Rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of Act 637.

This Rule shall have the force and effect of law on May 2, 2024, and will remain in effect for 180 days, unless renewed by the department, or until permanent rules are promulgated in accordance with law.

## **Title 55**

### **PUBLIC SAFETY**

#### **Part XVII. Municipal Police Officers Supplemental Pay**

##### **Chapter 1. Warrants**

###### **§101. Purpose**

A. The warrant consists of a listing of each recipient in each municipality who is currently receiving supplemental pay and a signature sheet. The warrant is the governing authority's authorization for the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) to pay the listed individuals for the following month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

###### **§103. Who Can Sign the Warrants**

A. Two officials must sign every warrant authorizing payment of supplemental pay in addition to the preparer. The police chief is required to sign the warrants as the approving officer. The certifying officer is the mayor. The marshal is required to sign the warrants as the approving officer. The certifying official is the mayor.

B. The department will request certifying signature authorizations annually. The governing authority must notify the department whenever there is a change in any of the authorized signatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

###### **§105. Municipality's Obligation**

A. The department shall remit the supplemental pay for employees listed on the warrant to the municipality. Prior to distributing payment to employees who are eligible for supplemental pay, the municipality is obligated to confirm eligibility for that specific month. If the department overpays the municipality as a result of a change in any employee's employment status, the municipality will be invoiced for the amount of the overpayment. The municipality will be required to remit payment to the department. The municipality shall use extreme care in ascertaining each recipient's eligibility for the next month prior to certifying and submitting the warrant.

B. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality is hereby deemed to acknowledge understanding of the following legal ramifications. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the document or wrongfully altering the document and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

###### **§107. How to Indicate Changes**

A. It is the municipality's responsibility to review each month's warrant and verify the correctness of the names and job titles of all recipients. Any changes in name, job title, employment status dates, the municipality's mailing address, the signors' email addresses, and any other changes, shall be boldly noted in red on the warrant. All changes to an employee's employment status, including but not limited to resignation, retirement, suspension without pay, military leave with or without pay, workers' compensation leave, or any other type of unpaid leave shall be noted on the warrant.

B. The municipality is responsible for notifying the department immediately of any changes which occur after the warrant is submitted. Any change to an employee's employment status that occurs after the warrant is submitted for supplemental pay shall be included and reflected on the immediately following payroll month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§109. Due Date**

A. The approved and certified warrant is due in the supplemental pay office by the close of business on the fifteenth day of the month. If the fifteenth day of the month is a Saturday or Sunday or a legal holiday, the warrant shall be received by the Friday immediately prior thereto. If the warrant is not received by the fifteenth day of the month, the municipality shall not receive its supplemental pay until the warrant is received. In that event, the next payment shall include both the past payment and the current payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**Chapter 3. Applications**

**§301. Requirements**

A. The municipality is required to submit all applications on line on the MyLa Portal (portal), using the most current forms and instructions on the department’s website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987) amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**Chapter 5. Change in Status**

**§501. When to Notify the Department of Changes in Status**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Act 637 (April 2022), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§503. Resignations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§505. Suspensions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§507. Leave without Pay (L.W.O.P.)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and

Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§509. Change in Duties**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§511. Change in Classification/Title**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§513. Workmen’s Compensation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§515. Death**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**Chapter 7. Reinstatements**

**§701. Reinstatements from Suspension**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§703. Reinstatements from Resignation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§705. Reinstatement from Workmen's Comp**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and

Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§707. Reinstatement from L.W.O.P.**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**Chapter 9. Payroll Information**

**§901. Eligibility Requirements for Supplemental Pay**

A. The following criteria must be attained for an employee to be eligible for supplemental pay:

1. the employee shall work full-time while performing police protection duties;
2. the employee shall have a valid POST certification; the employee shall be a commissioned officer who is authorized by law to effectuate arrests;
3. the employee's salary shall be paid entirely from municipal or tribe funds; and
4. the employee shall have one-year of prior service.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

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A. Decisions of the board are final as per R.S. 40:1667.6. The employee does have the right to appeal a board decision. Written notice of intent to appeal the board's decision shall be submitted to the department no later than 30 days after receipt of the denial letter from the department. The appeal shall be included on the next regular meeting agenda. The board also decides back pay cases on an individual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§904. Daily Rate Calculation**

A. Supplemental pay shall be prorated for the number of days worked using the current daily scale when a municipal officer works less than a full month. State supplemental pay shall be distributed monthly based on a 30-day cycle. When the daily rate (currently monthly pay amount divided by 30 days) is calculated, the recipient will be paid for the number of days in the month. The most recent daily pay grid shall be posted to the MUNPAY website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1667 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Act 637 (April 2022) by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§905. Waiting Period for New Employees**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§907. Step Increases**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§909. Cut-Off Date for Raises**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§911. Cut-Off Date for Eligibility for that Month's Check**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§913. Back Pay Policy**

A. The Department of Public Safety's fiscal year ends on June 30, therefore, Legislative approval is required for back supplemental pay beyond July. The Board of Review must approve all back supplemental pay, whether or not it extends beyond the current fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§915. Stop Payments**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§917. Duplicate W-2's**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

**§919. Correspondence**

A. All correspondence to the department shall come from the municipality, not the individual recipient. In all

correspondence, the municipality shall include the recipient's full name, Social Security number, and the name, address, telephone number, and official e-mail address of the municipality. The subject matter line of the e-mail must include the Police, the name of the municipality, and the reason for the e-mail, for example: Police—Bossier City PD—Warrant/Application/Change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

## **Chapter 20. Sample Forms**

### **§2001. Sample Application with Prior Service—Civil Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2003. Sample Civil Service Personnel Action Form**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2005. Sample Certificate of Prior Police Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2007. Sample Certificate of Prior Sheriff Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2009. Sample Application—Non Civil Service**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2011. Sample POST Certificate**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247

(April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **§2013. Sample Warrant**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1666.7 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:247 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:

### **Public Comments**

Candy Diez, Administrative Program Manager, Public Safety Services, Office of Management and Finance, Financial Services Division, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance.

Lt. Colonel Greg Graphia, LSP  
Chief Administrative Officer

2405#013

## **DECLARATION OF EMERGENCY**

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

#### **2024 Recreational Greater Amberjack Season Modification**

Louisiana's recreational greater amberjack season was previously scheduled to open on August 1, 2024. The regional administrator of NOAA Fisheries has informed the secretary that the 2024 recreational season for the harvest of greater amberjack in the federal waters of the Gulf of Mexico will open from May 1, 2024 through May 31, 2024, then close and reopen from September 1, 2024 through October 31, 2024. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when informed by the regional administrator of NOAA Fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the recreational harvest of greater amberjack in Louisiana state waters shall open at 12:01 a.m. on May 1, 2024 and remain open until 11:59 p.m. on May 31, 2024, at which time it will close. The season for the recreational harvest of greater amberjack will then reopen at 12:01 a.m. on September 1, 2024 until 11:59 p.m. on October 31, 2024, at which time it will close and remain closed until the regularly scheduled opening of the 2025 season, currently September 1, 2025. During the closure

periods above, no person shall recreationally harvest or possess greater amberjack whether within or without Louisiana waters.

Madison D. Sheahan  
Secretary

2405#003

## DECLARATION OF EMERGENCY

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

#### Opening of 2024 Spring Inshore Shrimp Season

The Wildlife and Fisheries Commission received information regarding biological sampling for brown shrimp in state inshore waters. The Department of Wildlife and Fisheries provided the commission with data that projected the date when brown shrimp will reach marketable size. After considering biological information and public input, the commission took action to set the spring inshore shrimp season within state inshore waters. Notice of any opening, delaying or closing of a season by the Wildlife and Fisheries Commission will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2024 Spring Inshore Shrimp Season in Louisiana state waters to open as follows:

All Louisiana inshore waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line will open at 6 a.m. on Thursday, May 16, 2024.

The commission hereby grants authority to the secretary of the Department of Wildlife and Fisheries to delay or advance these opening dates if biological and technical data indicate the need to do so, and, to close any portion of Louisiana inside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

Brandon J. DeCuir  
Chairman

2405#010

## DECLARATION OF EMERGENCY

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

Opening of Shrimp Season in  
Remaining State Outside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that small white shrimp, which have over-wintered in state outside waters from January through the present time, have reached marketable sizes and the closure is no longer necessary. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962, the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a declaration of emergency adopted by the Wildlife and Fisheries Commission on August 3, 2023 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary does hereby declare:

The portion of state outside waters between Mound Point on Marsh Island and Freshwater Bayou Canal shall reopen to shrimping at 6 a.m. on April 15, 2024. The eastern boundary line originates on the inside/outside line at the southernmost point of Mound Point on Marsh Island at 29 degrees 28 minutes 28.30 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 22 minutes 01.67 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude. The western boundary line originates on the western shore of Freshwater Bayou Canal at 29 degrees 32 minutes 03.00 seconds north latitude, -92 degrees 18 minutes 33.00 seconds west longitude and ends at a point on the three mile line as described in R.S. 56:495(A) at 29 degrees 29 minutes 02.00 seconds north latitude, -92 degrees 19 minutes 34.00 seconds west longitude.

Madison D. Sheahan  
Secretary

2405#001

# Rules

## RULE

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

#### Meetings (LAC 46:LXXXV.103)

In accordance with the Administrative Procedure Act, R.S. 49:953 et seq., the Louisiana Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV, Section 103 to meet the requirements of Act No. 393 of the 2023 Regular Session. This amendment sets forth guidance for public participation for members of the public and board members who have disabilities recognized by the Americans with Disabilities Act (ADA). This amendment also declares that the eligibility requirements have been met for the Board to conduct open public meetings via electronic means. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 1. Operations of the Board of Veterinary Medicine

#### §103. Meetings

A. The annual meeting of the board shall be held during the last quarter of the fiscal year in April, May or June of each year, at a time and place to be announced by posting public notice.

1. Notice for In-Person Meetings. At least 24 hours prior to an in-person meeting, the board shall post the following at the principal office of the board in Baton Rouge, Louisiana as well as on the agency’s website at [www.lsbvm.org](http://www.lsbvm.org):

a. meeting notice and agenda; and  
b. detailed information regarding how members of the public may submit written comments regarding matters on the agenda prior to the meeting.

2. Notice for Meetings via Electronic Means. At least 24 hours prior to a meeting held via electronic means, the board shall post the following at the principal office of the board in Baton Rouge, Louisiana as well as on the agency’s website at [www.lsbvm.org](http://www.lsbvm.org):

a. meeting notice and agenda; and  
b. detailed information regarding how members of the public may:  
i. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and  
ii. submit written comments regarding matters on the agenda prior to the meeting.

B. Additional meetings of the board may be called by the president or by any three members of the board. Additional meetings shall be announced in accordance with §103.A.

C. The board meets the below criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;  
2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;  
3. conducts at least six regularly scheduled meetings in a calendar year; and  
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

#### D. Electronic Meeting Requirements and Limitations

1. For any meeting conducted via electronic means, the board shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

2. The board shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

3. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency’s website at [www.lsbvm.org](http://www.lsbvm.org) on an annual basis.

4. All members of the board, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

5. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency’s website at [www.lsbvm.org](http://www.lsbvm.org).

#### E. Disability Accommodations

1. Although an open meeting may be scheduled as in-person, the board is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as 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 agency with an ADA-qualifying disability.

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:65 (February 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:345 (March 1993), LR 20:1380 (December 1994), LR 23:966 (August 1997), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:653 (May 2024).

Jared B. Granier  
Executive Director

2405#008

## RULE

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

Rules of Professional Conduct  
(LAC 46:LXXXV.Chapter 10)

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 Chapter 10 and intends to notify the public with this repromulgation of the sections below as is. The historical notes shall be updated to reflect this Chapter 10 rule review.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 10. Rules of Professional Conduct

##### §1001. Purpose and Scope

A. The rules of professional conduct shall govern the professional conduct of the members of the veterinary profession in the state of Louisiana. These rules of professional conduct shall be cumulative of all laws of the state of Louisiana relating to the professional conduct of veterinarians and to the practice of veterinary medicine in this state, and shall include the American Veterinary Medical Association's Principles of Veterinary Medical Ethics. In the event the Principles of Veterinary Medical Ethics contradict the Louisiana Veterinary Practice Act and/or the board's rules, the latter shall govern.

B. If any provision of these rules or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of the rules which can be given effect without the invalid provisions or applications; and to this end, the provisions of these rules are declared severable.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990), amended LR 25:2227 (November 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

##### §1003. Conflicting Interest

A. It is unprofessional and a violation of these rules to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this rule, a member represents conflicting interests if, when employed by a buyer to inspect an animal

for soundness, he accepts a fee from the seller. Acceptance of a fee from both the buyer and seller shall be deemed prima-facie evidence of fraud.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:228 (March 1990), amended LR 19:1325 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

##### §1005. Encroachments upon Another's Practice

A. Any direct or indirect effort which in any way encroaches upon the practice of another veterinarian is a violation of these rules. It is the right of any veterinarian, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful veterinary services, generally after communication with the veterinarian of whom complaint is made.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 20:1380 (December 1994), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

##### §1009. Professional Responsibility

A. A veterinarian upon his own responsibility must decide what employment he will accept in his professional capacity and what course of treatment will be followed once he has accepted employment. The responsibility for advising questionable or unusual treatments rests upon the veterinarian.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

##### §1013. Corruption, Deception, or Betrayal of the Public

A. A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust or directed toward the deception or betrayal of the public.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

##### §1017. Professional Services

A. The professional services of a veterinarian shall not be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian's responsibilities and qualifications are individual. He shall avoid all relations which direct the performance of his duty by or in the interest of such intermediary. A veterinarian's relation to his client is personal, and his responsibility shall be direct to the client or his authorized agent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

### **§1021. Display of License**

A. Each veterinarian shall have posted or displayed at his office in full view of his clients, his original Louisiana license to practice veterinary medicine and his current year's license renewal certificate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1023. Degree of Treatment**

A. Veterinarians shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1029. Promoting Unlicensed Person Unethical Activity**

A. A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1031. Direct Supervision of Laypeople, Unlicensed Veterinarians, and Technicians**

A. Licensed veterinarians employing and/or supervising persons in any or all of these categories shall make themselves familiar with and strictly adhere to the definitions and limitations as defined in Chapter 7 of these rules. Failure to observe the restrictions, definitions, and/or limitations of this rule shall be considered a breach of the rules of professional conduct and may result in the suspension or revocation of the license of the supervising veterinarian.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1033. Certificate of Health**

A. A licensed veterinarian in this state shall not issue a certificate of health unless he shall know of his own knowledge by actual inspection and appropriate tests of the animal that said animal meets the requirements for the issuance of such certificate. Only a licensed veterinarian can sign the certificate of health.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), amended LR 19:1326 (October 1993),

repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:654 (May 2024).

### **§1035. Assurances to Clients**

A. It is professionally dishonest for a licensed veterinarian to guarantee a cure. A veterinarian must avoid bold and confident assurances to clients, especially where the employment may depend upon such assurance.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1037. Humane Treatment and Care**

A. A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1041. Confidential Relationship**

A. A licensed veterinarian shall not violate the confidential relationship between himself and his client.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1045. Solicitors**

Utilization of the services of solicitors is reprehensible in the veterinary profession. A licensed veterinarian shall not participate in arrangements which share the proceeds from professional services with individuals who may have been instrumental in his having been selected to perform the particular service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:230 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1047. Professional Advantage**

A. Any veterinarian who uses present or past position or office of trust deliberately to create for himself any individual professional advantage or to coerce, or to deceive the public shall be in violation of the rules of professional conduct.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### **§1049. Sanitation Requirements**

A. A licensed veterinarian is required to maintain his entire premises in such state of sanitation as to comply with the public health requirements of the city and/or parish in which located and/or the public health laws of the state of Louisiana.

B. Sanitary methods for the disposal of deceased animals shall be provided and maintained in compliance with all local and state health regulations.

C. Contaminated waste such as syringes, needles, surgical blades, and any contaminated materials shall be disposed of in accordance with local, state and federal laws.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:655 (May 2024).

### §1053. Business Names

A. Business names used by veterinary facilities and licensed veterinarians should provide the general public and other practitioners with a clear understanding of the kind and extent of veterinary services being offered. The following provisions shall govern the selection and use of business names in the veterinary profession.

1. The business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary," in connection with the words, "hospital" or "clinic;" or

b. if a business name of a *hospital* or *clinic* as defined and classified in §§700 and 711 of this Part does not comply with §1053.A.1.a, there shall be a legible sign at the business entrance clearly identifying the facility as either a veterinary or animal hospital or clinic. The designation chosen shall be based on the standards set forth in §711 of this Part.

2. The business name of a *mobile clinic* as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary" in connection with the words, "mobile clinic;" or

b. if the business name does not comply with §1053.A.2.a, a legible sign shall be placed at the business entrance of the mobile clinic identifying it as a veterinary or animal mobile clinic.

3. Any other business name used by a licensed veterinarian who does not operate a veterinary or animal *hospital*, *clinic*, or *mobile clinic* as defined and classified in §§700 and 711 of this Part must clearly indicate the kind and extent of veterinary medical services which are being offered to the public.

B. The name shall exclude the advertising of special services such as: boarding, grooming, clipping, or any special service, professional or nonprofessional.

C. In the event the clinic is incorporated without a change of name (with the exception of including the words, "incorporated" or "incorporation") or in the event the name is protected under the assumed name statutes of this state, then in either event the corporate name will be acceptable if used prior to the effective date of the Professional Incorporation Act or, in use of assumed names, if in compliance with the assumed name statutes prior to the effective date of this rule.

D. In instances where a clinic is limited exclusively in its practice to emergency service, the word "emergency" may be included in the name.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 25:1249 (July 1999), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:656 (May 2024).

### §1055. Controlled Substances

A. It is unprofessional conduct for a licensed veterinarian to fail to observe and/or comply with any and all provisions of Chapter 7 concerning the prescribing and dispensing of drugs.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:656 (May 2024).

### §1059. Particular Acts, Statements, or Situations

#### Constituting "False, Deceptive, or Misleading Claim"

A. "False, deceptive, or misleading statement or claim" includes, without limitation, a statement or claim which:

1. contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;

2. contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sales promotion of a veterinary or nonveterinary product or service except that this prohibition does not apply to endorsements of valid, nonprofit charitable organizations whose purpose is to promote veterinary medicine and animal health;

3. refers to secret methods of treatment or special services which characterize the ways of a charlatan;

4. concerns illegal transactions;

5. is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;

6. contains statistical data or other information based on past performance or case reports;

7. contains a statement of opinion as to the quality of professional services or a representation regarding the quality of professional services which is not susceptible of verification to the public;

8. states or implies that a veterinarian is a certified or recognized specialist unless he is board certified in such specialty;

9. is intended or is likely to create an inflated or unjustified expectation;

10. contains a material misrepresentation of fact;

11. omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;

12. would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;

13. contains a representation or implication that is likely to cause an ordinary prudent layman to misunderstand or be deceived or fails to contain reasonable warnings or

disclaimers necessary to make a representation or implication not deceptive; or

14. relates to professional fees other than:

a. a statement of the fixed fee charged for a specific professional service, provided that the description of such services would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases; or

b. a statement of the range of fees for specifically described professional service, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fees so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:656 (May 2024).

#### **§1061. Advertising Time Requirements**

A. Any advertisement of price for routine veterinary services permitted under board rule shall be valid and binding on the advertising veterinarian for not less than six months following the date it is last offered, and the veterinarian offering same shall honor all client requests for such veterinary service made by veterinary clients within the six-month period following the last date such advertisement was presented to the public unless there is contained in the advertisement a specific time limitation on the availability of the service or product at the advertised price; further, all such services must be completed within a reasonable time from the first patient appointment or such patient's request for veterinary service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:232 (March 1990), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:657 (May 2024).

#### **§1065. Other Governmental Agencies**

A. It shall be considered unprofessional conduct for a veterinarian to violate any ordinance, regulation, rule, and/or law of any local, state or federal government or agency.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1326 (October 1993), repromulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:657 (May 2024).

Jared B. Granier  
Executive Director

2405#019

## **RULE**

### **Board of Elementary and Secondary Education**

Bulletin 126—Charter Schools  
Governance and Processes  
(LAC 28:CXXXIX.515, 2103, 2501, 4001, and 4003)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. The change modifies the application process to reduce duplicative efforts, requires charter board governance training, reduces from seven to four years the time in which business professional qualifications must be obtained, further outlines autonomy, and includes items regarding display of the national motto and completion of numeracy skills coursework in compliance with state laws. This Rule is hereby adopted on the day of promulgation.

#### **Title 28**

#### **EDUCATION**

#### **Part CXXXIX. Bulletin 126—Charter Schools**

#### **Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools**

#### **§515. Application Components for BESE-Authorized Charter Schools**

A. - D.2. ...

3. admission requirements, if any, that are consistent with the school's role, scope, and mission may be established in accordance with that permitted in R.S. 17:3991 and this bulletin;

4. - 7. ...

8. evidence of community engagement throughout the development of the charter application;

9. ...

10. - 12. Repealed

13. evidence that the curriculum meets Louisiana grade progression and ultimately graduation requirements and sets students up to master Louisiana state standards;

14. the school plan for identifying and successfully serving students with disabilities, English language learners, students who are academically behind, and gifted and talented students, as applicable, in order to comply with applicable laws and regulations;

15. school rules, regulations, and disciplinary practices consistent with the requirements of R.S. 17:252 and that provides adequate due process;

16. - 20. Repealed.

21. ...

22. - 25. Repealed.

26. ...

27. explanations of any partnerships or contractual relationships central to the school's operations or mission, particularly education service providers;

28. ...

- 29. procedures for parents and staff to file complaints and for the charter to respond;
- 30. Repealed.
- 31. - 34. ...
- 35. - 36. Repealed.
- 37. ...
- 38. - 40. Repealed.
- 41. ...
- 42. - 46. Repealed.
- 47. - 49. ...
- 50. - 51. Repealed.
- 52. ...
- 53. - 54. Repealed.

E. - H.13 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 43:2477 (December 2017), LR 44:233 (February 2018), LR 44:2130 (December 2018), LR 47:572 (May 2021), amended LR 50:656 (May 2024).

**Chapter 21. Charter School Governance**

**§2103. Board Member Responsibilities**

A. - G. ...

H. Beginning August 1, 2024, each president of a BESE-authorized charter board shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of assuming the role of board president.

I. Beginning June 1, 2025, each new member of the board of directors of a BESE-authorized charter operator shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of appointment to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024).

**Chapter 25. Charter School Fiscal Responsibilities**

**§2501. Qualified and Competent Business Professional**

A. - C. ...

D. All qualified and competent business professionals must acquire Certified Louisiana School Business Administrator (CLSBA) certification or Certified Louisiana Charter School Business Administrator (CLCSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the first date of hire as a qualified and competent business professional by any BESE-authorized charter school and maintain certification while employed as a qualified and competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a qualified and competent business professional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018), amended LR 50:657 (May 2024).

**Chapter 40. Charter School Autonomy**

**§4001. Applicability of State and Local Rules and Regulations**

A. - A.16. ...

B. Unless otherwise mutually agreed upon by a charter school and authorizer, the charter school shall have complete autonomy over school operation in compliance with all applicable federal, state, and local laws and regulations. Unless otherwise stated in the charter contract, areas of school autonomy shall include but not be limited to the following:

1. school programming, instruction, curriculum, materials, texts, calendars, and schedules;

2. personnel, employment, salaries and benefits, educator certification and evaluation, performance management, participation in retirement planning and collective bargaining;

3. budgeting, purchasing, procurement, contracts, food service, and management of transportation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 50:657 (May 2024).

**§4003. Applicability of State Laws**

A. - A.48. ...

49. display of the national motto in each classroom in each school under its jurisdiction, R.S. 17:262;

50. completion of approved numeracy skills course in accordance with LAC 28:CXV.511, R.S. 17:24.13;

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:657 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#027

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel  
Third Party Entity Evaluation Process  
(LAC 28: CXLVII.101 and 104)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. Pursuant to Act 63 of the 2023 Regular Legislative Session regarding educator credentials, the revisions define the process and requirements for approval as a third-party entity

(TPE) that is authorized to evaluate educators contracted to public school systems. Successful evaluation is required for the purposes of issuance and renewal of educator certification. The revisions detail the observation, evaluation process instrument, and rubric and scale used to determine a final evaluation score/rating. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

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

**Chapter 1. Overview**

**§101. Guidelines of the Program**

A. Each LEA must develop a uniform system for the annual evaluation of certified and other professional personnel.

B. - C. ...

D. An entity may be considered for BESE approval to conduct educator evaluations for the purposes of certification issuance, renewal, or advancement when the teacher provides instruction in a public school but is not employed by the local governing authority. The entity is required to utilize a uniform system for the annual evaluation of certified personnel.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:659 (May 2024).

**§104. Third Party Entity Evaluation Programs**

A. Third Party Entity is defined as an entity that employs a teacher who provides instruction in a public school but is not employed by the public school governing authority.

B. When the employer is a BESE-approved third party entity, the evaluation shall be completed by the employer or the designee.

C. The LDOE shall develop a process and criteria for review of third party entity applicants prior to making a recommendation for BESE approval and shall notify BESE of any revisions.

1. A third party entity seeking BESE approval shall submit proposed evaluation tools to the LDOE for review according to the established process and timeline.

2. The evaluation process instrument shall include an observation tool, measure of student achievement or other evidence of student success, an evaluation rubric, an evaluation scale, and assignment of final score or rating.

3. The entity may use the LDOE adopted rubric and student growth measures.

D. BESE approval shall remain valid contingent upon continued compliance with the provisions of this Section.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:659 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#028

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Educator Credentials  
(LAC 28:CXXXI.Chapter 3, Chapter 5, Chapter 7, Chapter 11, Chapter 13, Chapter 15, Chapter 17, Chapter 21, Chapter 23, and Chapter 25)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions make various changes that include: adopt reading exam to reduce number of tests that must be taken by preservice elementary teachers; adopt computer science exam in response to recommendation of the Computer Science Education Advisory Commission; align across bulletins or legislation; remove duplicative language; reorganize information; update requirements for foreign equivalency transcripts; align military OS certification issuance with legislation; remove unused or obsolete EEL and Pre-PL certification; update OFAT renewal requirements; add resident certificate for use in early learning centers; clarify ECAC language and non-practicing status for individuals called to military duty; remove certification duplication and reduce bureaucracy for areas in which a license is issued by another authorizing board; add artist, talented, and library endorsements; remove CLU and reinstatement coursework requirements; and technical edits. This Rule is hereby adopted on the day of promulgation.

**Title 28**  
**EDUCATION**

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

**Chapter 3. Initial Teacher Certification**

**Subchapter A. Teacher Certification Areas and Required Competencies**

**§303. Certification Exam and Scores**

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered assessment identified in this Section prior to issuance of a Louisiana educator credential. Praxis scores, for certification purposes, must be received by the LDOE via the electronic ETS Praxis score report forwarded directly from ETS, or the original official Praxis score report issued by ETS submitted with the certification application.

B. - D.1.b. ...

c. Elementary Multiple Subjects (5001), effective 9/1/15, or Louisiana Elementary Multiple Subjects (7001), effective 6/1/24, consisting of four separately timed subjects. Subtests from either series (5001 or 7001) may be combined to meet all four subtest requirements:

i. Reading Language Arts (5002), score 157, or Reading Language Arts (7002), for scores as outlined in Paragraph 2 of this Subsection; and

ii. Mathematics (5003), score 157, or Mathematics (7003), effective 6/1/24, score 157; and

iii. Social Studies (5004), score 155, or Social Studies (7004), effective 6/1/24, score 155; and

iv. Science (5005), score 159, or Science (7005), effective 6/1/24, score 159.

2. Effective 1/1/24, Teaching of Reading: Elementary (5205), score 159, or Reading Language Arts (7002) is required, in accordance with §303.O of this Part. Candidates already enrolled in the year-long residency and holding either the PL or R credential prior to 1/1/25 are not subject to this provision.

D.3. - E.1.b ...

c. Elementary Multiple Subjects (5001), effective 9/1/15, or Louisiana Elementary Multiple Subjects (7001), effective 6/1/24, consisting of four separately timed subtests. Subtests from either series (5001 or 7001) may be combined to meet all four subtest requirements:

i. Reading Language Arts (5002), score 157, or Reading Language Arts (7002), for scores as outlined in Paragraph 2 of this Subsection; and

ii. Mathematics (5003), score 157, or Mathematics (7003), effective 6/1/24, score 157; and

iii. Social Studies (5004), score 155, or Social Studies (7004), effective 6/1/24, score 155; and

iv. Science (5005), score 159, or Science (7005), effective 6/1/24, score 159.

2. Teaching of Reading: Elementary (5205), effective 1/1/24, score 159, or Reading Language Arts (7002) is required, in accordance with §303.O of this part. Candidates already enrolled in the year-long residency and holding either the PL or R credential prior to 1/1/25 are not subject to this provision.

E.3. - I.1.b. ...

c. Computer Science

i. Computer Science (5652), effective 6/1/24, score 149; or

ii. 30 semester hours of Computer Science Coursework, for completers of a BESE-approved program effective until 6/1/27.

I.d. - N.I.c. ...

d. A candidate for the educational leader, level 1 certification who earns a passing score on the LLAS during the pilot phase (2019) will be eligible for the educational leader, level 1 certificate if the candidate has met all other requirements for the graduate degree pathway or one of three alternate pathways.

N.2. - O.3. ...

4. Elementary Teaching Reading Language Arts Subtest (7002), effective 6/1/24 to 12/31/26, score 138; or

5. Elementary Teaching Reading Language Arts Subtest (7002), effective 1/1/27 to 12/31/28, score 147; or

6. Elementary Teaching Reading Language Arts Subtest (7002), effective 1/1/29, score 153.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:659 (May 2024).

## Chapter 5. Teaching Credentials, Licenses and Certifications

### Subchapter A. Standard Teaching Certificates

#### §503. Introduction

A. There are six types of standard teaching certificates issued by the state of Louisiana:

1. - 4. ...

5. practitioner 1, 2, and 3 licenses; and

6. Repealed.

7. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 46:01375 (October 2020), LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022), amended LR 50:659 (May 2024).

#### §505. General Provisions

A. - A.4. ...

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency to have the certificate returned to practicing status with validity for the number of years remaining in the renewal period of the certificate.

6. - 7. ...

B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required. Also required is a letter of assurance from the teacher documenting that the unmet policy requirements will be completed within a specified amount of time, as determined by LDOE. The final authority for approval and policy flexibility is at the discretion of the LDOE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2752 (December 2009), amended LR 38:3137 (December 2012), LR 40:1330 (July 2014), amended LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022), amended LR 50:660 (May 2024).

#### §507. Professional Level Certificates

A. - B.12. ...

C. Out-of-state (OS) Graduate Eligibility and Foreign Applicant Eligibility. Level 1 professional certificate requires a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. Credentials awarded from an institution outside of the United States and not accredited by one of the U.S. accrediting agencies may be submitted to a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate or graduate degree in the field of education; and

C.1. - C.9. ...

D. - D.2. Repealed.

E. - H.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), amended LR 50:660 (May 2024).

### **§511. Out-of-State (OS) Certificate**

A. - B.6. ...

7. Active military or military spouse out-of-state applicants stationed in Louisiana will be issued the relevant standard professional level teaching certificate or eligibility for a five-year certificate, contingent upon the following.

a. A copy of military or military spouse out-of-state orders transferring the applicant or spouse to Louisiana must be submitted to LDOE.

b. LDOE will verify that all standard professional level teaching certificates from other states are in good standing.

c. A background check must be conducted in accordance with Louisiana statute to verify compliance with standards of practice.

d. Notification of eligibility will be issued no later than 20 days from the receipt of a complete application.

e. Once employed in Louisiana, a five-year standard professional level teaching certificate will be issued at the request of the Louisiana employing authority.

C. - C.5. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 35:2754 (December 2009), LR 36:2001 (September 2010), LR 40:1332 (July 2014), LR 48:432 (March 2022), repromulgated LR 48:1036 (April 2022), LR 49:39 (January 2023), amended LR 50:661 (May 2024).

### **§513. World Language Certificate (WLC) PK-12**

A. - C. ...

1. minimum of baccalaureate degree in education or equivalent preparation in education from a foreign country with the status of the degree determined by the LDOE, or if LDOE staff cannot make a degree equivalent determination, the candidate credentials must be evaluated by a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) with the course-by-course evaluation and U.S. degree equivalence;

2. - 4. ...

5. A request for issuance must be submitted by the Louisiana employing authority or LDOE World Languages Office.

D. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1036 (April 2022), LR 49:39 (January 2023), amended LR 50:661 (May 2024).

### **§517. Extended Endorsement License (EEL)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:434 (March 2022), repromulgated LR 48:1038 (April 2022), repealed LR 50:661 (May 2024).

### **§521. Certification of Personnel in Nonpublic School Systems Meeting Nonpublic Standards**

A. - B. ...

1. A nonpublic school principal, assistant principal, or headmaster must hold a graduate degree in any area from an institution accredited in accordance with 34 CFR 602, have principalship on the Louisiana teaching certificate, or hold the EDL certificate. The principal is to be a full-time, on-site employee and may be a teacher as well as the educational administrator of the school.

2. Assistant principals who do not meet minimum qualifications may be retained in a school if they were employed in that school during the 1992-93 school year as an assistant principal.

B.3. - C. ...

1. hold a valid Louisiana teaching certificate for the courses taught;

C.2. - H. ...

I. Credentials for graduates of foreign universities or colleges must be evaluated by a credentialing agency that is an endorsed member or a member in good standing with either the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE) for evaluation according to the LDOE procedures. After reviewing the evaluation, the local administrator shall determine if the applicant is qualified to teach according to the requirements of this Section, and a copy of the evaluation shall be kept on file in the principal's office.

I.1. - K.4. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:436 (March 2022), repromulgated LR 48:1039 (April 2022), amended LR 50:661 (May 2024).

### **Subchapter B. Nonstandard Teaching Credentials**

#### **§528. Pre-Practitioner License**

A. The pre-practitioner license is a temporary, non-renewable certificate issued in accordance with provisional admittance into an alternate certification program pursuant to LAC 28:XLV. Effective June 1, 2024, Pre-Practitioner Licenses will no longer be issued.

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; 17:7(6), and 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:255 (February 2023), LR 50:661 (May 2024).

### **§529. Out-of-Field Authorization to Teach (OFAT)**

A. ...

B. Eligibility requirements. Issued to an applicant who holds a valid type C, type B or B\*, type A or A\*, level 1, level 2 or 2\*, level 3 or 3\*, or OS teaching certificate but is teaching outside of the certified area(s).

1. - 3. Repealed.

C. OFAT Stipulations

1. LEAs must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, and that there is no regularly certified, competent, and suitable person available for the position, and that the applicant is the best-qualified person for the position.

2. - 2.b. ...

3. A renewal of the OFAT for the LDOE designated areas will not be considered for individuals who lack 50 percent or more of the requirements to fulfill the OFAT.

D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 50:662 (May 2024).

### **§535. Resident Teacher Certificate (R)**

A. - C.1. ...

2. placement in a classroom in a public or approved nonpublic school or classroom at a Type III Early Learning Center that has maintained consecutive years of LDOE-issued academic approval in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746; and

C.3. - H. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:438 (March 2022), repromulgated LR 48:1042 (April 2022), LR 49:40 (January 2023), amended LR 50:661 (May 2024).

## **Subchapter C. Ancillary Teaching Certificates**

### **§537. Introduction**

A. - A.2.f. ...

- g. mentor teacher ancillary;
- h. content leader ancillary;
- i. school counselor;
- j. school librarian; and
- k. dyslexia practitioner or therapist.

3. ...

B. Renewal Guidelines. The initial validity period, unless otherwise noted, is for five years, with renewal thereafter for a period of five years at the request of an LEA.

C. Unless otherwise noted, for renewal of the ancillary certificate, candidates must successfully meet the standards

of effectiveness for at least three years during the initial certification or renewal period in accordance with §103 of this Part.

D. Unless otherwise noted, a request for issuance or renewal must be submitted by the Louisiana employing authority.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:439 (March 2022), repromulgated LR 48:1042 (April 2022), amended LR 50:662 (May 2024).

### **§539. Artist or Talented Certificate**

A. - B.1. ...

2. Eligibility requirements. An advanced degree or substantive evidence of artistic and/or creative accomplishment over an extended period of time, as verified by the requesting LEA.

2.a. - 4. Repealed.

C. - C.2. ...

3. Eligibility requirements. The individual must have a minimum of one year of effective experience working with students in the specific arts and at the level for which employed, verified in accordance with §103 of this Part:

a. graduate degree in Art, Music, Theatre Liberal Arts, or Theatre Education or substantive evidence of artistic and/or creative accomplishment over an extended period of time, as verified by the requesting LEA; and

b. experience outside of a school setting may be considered if verified as successful on official letterhead from the employing authority.

3.c. - 5. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:439 (March 2022), repromulgated LR 48:1043 (April 2022), amended LR 50:662 (May 2024).

### **§541. Early Childhood Ancillary Certificate**

A. The early childhood ancillary certificate (ECAC) authorizes an individual to teach in a publicly-funded early learning center serving children ages birth to five as defined in R.S. 17:407.33, unless program requirements mandate a professional-level certificate. After June 30, 2019, an individual shall have, at a minimum, an early childhood ancillary certificate to serve as a lead teacher in a publicly-funded early learning center. An application for an ECAC may be submitted by the individual or the employer.

B. - B.2. ...

a. For individuals meeting eligibility requirements with a CDA, the early childhood ancillary certificate shall be valid for a three-year period. The ancillary certificate may be renewed by the LDOE at the request of the applicant employer with submission of either documentation of a renewed, valid CDA credential, awarded by the Council for Professional Recognition, or documentation of:

i. either a 3 semester-hour course or 45 clock hours of approved training or professional development in early childhood care and education completed within the last three years; and

a.ii. - b. ...

i. either a 3 semester-hour course, 45 clock hours of training in early childhood care and education completed within the last three years or a valid CDA credential earned from a BESE-approved early childhood ancillary certificate program and awarded by the council for Professional Recognition; and

ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:440 (March 2022), repromulgated LR 48:1043 (April 2022), amended LR 50:662 (May 2024).

### §543. Nonpublic Montessori Teacher Certificate

A. - B.2. ...

a. at least one year of effective teaching experience in a Montessori school verified in accordance with §103 of this Part; and

b. Repealed

2.c. - 3.a. ...

b. at least one year of effective teaching experience in a Montessori school verified in accordance with §103 of this Part; and

c. Repealed

d. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:663 (May 2024).

### §545. Family and Consumer Sciences Occupational Programs

A. - B.2. ...

3. minimum of 2,000 hours, or one year, of successful work experience in the area of occupational certification.

C. Provisional Certification renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years in accordance with §537 of this Part.

D. - D.2. ...

3. all experience must be verified as effective, in accordance with §103 of this Part.

E. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:663 (May 2024).

### §547. Junior Reserve Officers Training Corps Instructor (ROTC)

A. - B.2. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022), amended LR 50:663 (May 2024).

### §548. Counselor K-12 (Counselor in a School Setting)

A. Eligibility Requirements Prior to June 30, 2017. For candidates who completed all courses and degree requirements by June 30, 2017, the endorsement add-on requirements include:

1. graduate degree in school counseling from an institution accredited in accordance with 34 CFR 602 or a graduate degree with the equivalent hours and courses required for a graduate degree in school counseling; and

2. graduate training that includes 24 semester hours of professional courses distributed so that at least one course will be taken in each of the following basic areas:

a. principles and administration of school counseling programs;

b. career and lifestyle development;

c. individual appraisal;

d. counseling theory and practice;

e. group processes;

f. human growth and development;

g. social and cultural foundations in counseling; and

h. supervised practicum in a school setting.

3. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

B. Eligibility Requirements Effective June 30, 2017

1. Completion of a standards-based graduate degree program in counseling from an institution accredited in accordance with 34 CFR 602 and approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP), and candidates completing counseling programs not in the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program.

2. Practicum/Internship Requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contact hours; and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting.

3. Pass the Praxis examination in school guidance and counseling in accordance with §303 of this Part; and

4. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:663 (May 2024).

### §549. Math for Professionals Certificate

A. - C.1.c. ...

2. Repealed.

3. ...

D. Repealed.

E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022), LR 50:663 (May 2024).

#### **§550. School Librarian**

A. School Librarian Eligibility Requirements:

1. graduate degree in library science from an institution accredited in accordance with 34 CFR 602; and
2. passing score on Praxis school librarian examination.

B. An educator may request the initial certification. The LDOE will issue a letter of eligibility at the teacher's request. Once employed, the credential will be issued at the request of the Louisiana employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:664 (May 2024).

#### **§551. Dyslexia Ancillary Certificate (Optional)**

A. - A.1. ...

a. hold a valid Louisiana OS, type C, level 1, or higher teaching certificate; and

1.b. - 2....

a. Renewal must be in accordance with §537 of this Part.

b. Candidates shall submit verification that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

B. - B.1. ...

a. hold a valid Louisiana OS, type C, level 1, or higher teaching certificate;

b. - c. ...

2. Renewal Requirements.

a. Renewal must be in accordance with §537 of this Part.

b. Candidates shall submit verification that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:442 (March 2022), repromulgated LR 48:1045 (April 2022), amended LR 50:664 (May 2024).

#### **§553. Mentor Teacher (MT) Ancillary Certificate**

A. - C.4. ...

5. enrolled in or have completed a BESE-approved mentor training program.

6. An application for Ancillary Provisional Mentor Teacher may be submitted by the individual for applicants holding a valid type C, level 1, or higher Louisiana teaching certificate.

D. - E.7. ...

8. Individuals who currently hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate,

which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

E.9. - F. ...

1. Teachers in charter schools who do not hold a type C, level 1, or higher certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

F.2. - G.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022), LR 48:2099 (August 2022), LR 49:1375 (August 2023), amended LR 50:664 (May 2024).

#### **§555. Content Leader (CL) Ancillary Certificate (Optional)**

A. - D. ...

1. Teachers in charter schools who do not hold a type C, level 1, or higher certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a type C, level 1, or higher certificate must earn effective ratings per local personnel evaluations for at least three years during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:443 (March 2022), repromulgated LR 48:1047 (April 2022), amended LR 50:664 (May 2024).

#### **Subchapter D. Special Considerations for Teachers Called to Active Military Duty**

##### **§557. Introduction**

A. A teacher employed on a Louisiana certificate of any type who is called to active military duty will not be penalized for the time spent in active service. The educator may request non-practicing status by presenting copies of official documents indicating beginning and ending dates of active military duty when applying for the certification status change.

B. - C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:443 (March 2022), repromulgated LR 48:1047 (April 2022), amended LR 50:664 (May 2024).

#### **Chapter 7. Ancillary School Service Certificates**

##### **§701. Introduction**

A. ...

B. Non-practicing status for all ancillary school service certificates may be issued by the LDE in accordance with §505.

C. A request for issuance or renewal of the Ancillary Service certificate must be submitted by the employing Louisiana school system. The LDOE will issue a letter of eligibility for an initial Ancillary Service certificate to

qualified applicants not employed by a Louisiana school system at the time of application.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 38:3138 (December 2012), LR 48:444 (March 2022), repromulgated LR 48:1050 (April 2022), amended LR 50:664 (May 2024).

#### **Subchapter A. General Ancillary School Certificates**

##### **§705. Counselor K-12 (Counselor in a School Setting)**

Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:1383 (October 2020), LR 48:445 (March 2022), repromulgated LR 48:1051 (April 2022), repealed LR 50:665 (May 2024).

##### **§709. Educational Transliterator**

A. - C. ...

1. hold certification as a cued speech transliterator from a national or state recognized organization or certifying body; or

C.2. - G. ...

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 45:527 (April 2019), amended LR 48:446 (March 2022), repromulgated 48:1052 (April 2022), amended LR 50:665 (May 2024).

##### **§711. School Librarian**

Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:1232 (July 2009), LR 38:3139 (December 2012), LR 48:446 (March 2022), repromulgated LR 48:1053 (April 2022), repealed LR 50:665 (May 2024).

##### **§717. Social Worker**

A. ...

B. Beginning June 1, 2024, a licensed social worker who holds a current, valid Louisiana license with the Louisiana Board of Social Work Examiners is considered certified by BESE if the individual:

1. is licensed as a licensed clinical social worker (LCSW) in accordance with R.S. 37:2701 et seq.; or

a. - b. Repealed.

2. holds a certificate as a licensed master social worker (LMSW) in accordance with R.S. 37:2701 et seq.; and

3. receives supervision by a LCSW in accordance with R.S. 37:2707.

C. - C.2. Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 48:447 (March 2022), repromulgated LR 48:1053 (April 2022), amended LR 50:665 (May 2024).

##### **§721. Special Education Examiners**

A. - B.1.b. ...

2. Qualified licensed audiologist. Beginning June 1, 2024, a licensed audiologist who holds a current, valid Louisiana license with the Louisiana Board of Examiners Speech-Language Pathology and Audiology is considered certified by BESE.

a. - b. Repealed.

C. - C.2.a ...

b. Repealed.

c. - D.3.b.iv. ...

4. Beginning January 1, 2025, the requirements for initial issuance of a school psychologist certificate will be those of the National Association of School Psychologists (NASP). A psychologist who meets the qualifications of NASP is considered certified by BESE.

E. - F.3. ...

a. baccalaureate degree in speech/language pathology or related field from an institution accredited in accordance with 34 CFR 602; and

F.3.b. - G.1.b. ...

2. Qualified certificate in speech pathology. Beginning June 1, 2024, a licensed speech pathologist who holds a current, valid Louisiana license with the Louisiana Board of Examiners to serve as a speech pathologist is considered certified by BESE.

2.a. - 3. Repealed.

H. - H.3.a. ...

b. certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist and is considered valid for continuous service as long as the ASHA license is valid.

4. Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:2325 (November 2009), LR 38:43 (January 2012), LR 39:1465 (June 2013), LR 45:1462 (October 2019), LR 48:448 (March 2022), repromulgated LR 48:1054 (April 2022), amended LR 50:665 (May 2024).

##### **§723. Educational Leader in Special Education Ancillary Certificate**

A. - B. ...

C. Renewal Guidelines. Valid for a period of five years and may be renewed thereafter at the request of the LEA. Candidates must successfully meet the standards of effectiveness in accordance with §103 of this Part for at least three years during the five-year period of validity. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not qualify the candidate for the educational leader certificate level 1 (EDL 1), educational leader certificate level 2 (EDL 2), or educational leader certificate level 3 (EDL 3).

D. The candidate must:

1. hold one of the below valid Louisiana ancillary certificates or be considered certified by BESE by holding the valid Louisiana license issued by the appropriate licensing board:

a. - b. Repealed.

c. - j. ...

2. have at least three years of experience working with students with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

3. ...

4. provide documented evidence of leadership experiences (240 clock hours or more) aligned with performance expectations in accordance with LAC 28:CXXXVII Bulletin 125 at the school and/or district level; and

5. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 48:450 (March 2022), repromulgated LR 48:1056 (April 2022), amended LR 50:665 (May 2024).

## Subchapter B. School Therapists

### §725. Overview

A. - C.2. ...

D. Occupational Therapy. Beginning June 1, 2024, the following are considered certified by BESE.

1. Certified Licensed Occupational Therapist Assistant (COTA)—a person who holds a current, valid COTA license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners. A COTA must work under the supervision of a Licensed Occupational Therapist.

a. - c. Repealed.

2. Occupational Therapist Provisional Certification—a person who holds a temporary license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Louisiana State Board of Medical Examiners.

a. - b. Repealed.

3. Occupational Therapist Full Certificate—a person who holds a current, valid license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners.

a. - b. Repealed.

E. Physical Therapy. Beginning June 1, 2024, the following are considered certified by BESE:

1. Physical Therapist Assistant (PTA)—a person who holds a current, valid PTA license to assist in the practice of physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners. A PTA must work under the supervision of a licensed physical therapist.

a. - c. Repealed.

2. Physical Therapist Provisional Certification—a person who holds a current, valid temporary license to practice physical therapy in compliance with R.S. 37:2401-

2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

a. - b. Repealed.

3. Physical Therapist Full Certificate—a person who holds a current, valid license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

a. - b. Repealed.

F. Certified Behavior Analyst. Beginning June 1, 2024, the following are considered certified by BESE:

1. Assistant Behavior Analyst (BCaBA)—a person who holds a current assistant level certification issued by the Behavior Analyst Certification Boards (BACB) or other nationally credentialing bodies as approved by the BACB. A BCaBA must work under the direct supervision of a Board Certified Behavior Analyst (BCBA). A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

a. - b. Repealed.

2. Behavior Analyst (BCBA)—a person who holds a current behavior analyst certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

a. - b. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:450 (March 2022), repromulgated LR 48:1057 (April 2022), amended LR 50:666 (May 2024).

## Chapter 11. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

### §1107. CTIE Certificate Eligibility Requirements

A. Repealed.

B. - B.1. ...

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP (Classification of Instructional Programs) area in the selected career and technical field, of which at least one year of full time work experience or 1,920 hours of experience must have been acquired within the five years immediately prior to certification:

a. technical diploma or associate degree, certification of completions of registered apprenticeship, or certificate of training completion from a Louisiana Workforce Commission (LWC) approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. ...

c. graduates with a graduate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. - f. ...  
g. applicants with an earned bachelor's degree, and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience.

h. applicants with prior teaching experience at a postsecondary institution, certificate of completion of registered apprenticeship, or certificate of training completion from LWC approved training provider in the selected instructional field may apply those years of teaching at a postsecondary institution toward the required work experience. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B.3. - C. ...

1. Applicants shall meet the requirements for the CTTIE Provisional certificate; and

2. - 2.h.Repealed.

C.3. - D.1.a. ...

b. successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with §103 of this Part and

c. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 43:1317 (July 2017), LR 48:452 (March 2022), repromulgated LR 48:1060 (April 2022), amended LR 50:666 (May 2024).

### §1109. CTTIE Areas of Specialization

A. - C.1. ...

D. Athletic Trainer Eligibility Requirements

1. ...

2. Applicants pursuing a graduate degree in athletic training who are working as an athletic trainer graduate assistant or athletic trainer intern at a university accredited in accordance with 34 CFR 602 may count the work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics training at the university with the actual number of hours worked and assigned duties.

E. Career Explorations Awareness Skills eligibility requirements:

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, with two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or a valid standard Louisiana teaching or school counselor certification; and

2. Jobs for America's Graduates (JAG) Louisiana training or Quest for Success training.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:453 (March 2022), repromulgated LR 48:1061 (April 2022), amended LR 50:667 (May 2024).

## Chapter 13. Endorsements to Existing Certificates

### §1301. Introduction

A. ...

1. A generalized reference to a Praxis exam means the applicable BESE-adopted exam(s) in policy, with the established passing score(s) in accordance with §303 of this Part.

2. - 8. ...

9. Beginning September 1, 2024, for educators eligible to teach grades kindergarten through third grade and special education areas, the Teaching of Reading Elementary exam and indicated semester hours, or equivalent contact hours are required.

B. - C. ...

D. The requirements in §1305.A.3; §1307.A.3; §1313.A.4, B.3; §1315.A.3, B.3; §1317.A.4, B.4; §1327.A.3, B.3, and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022), amended LR 49:1717 (October 2023), amended LR 50:667 (May 2024).

### Subchapter A. Regular Education Level and Area Endorsements

#### §1305. Requirements to add Birth to Kindergarten

A. - A.3. ...

B. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022), amended LR 50:667 (May 2024).

#### §1307. Requirements to add Early Childhood (Grades PK-3)

A. - B.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

B.5. - C.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

D. - D.2. ...

3. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third

grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:2555 (October 2022), amended LR 50:667 (May 2024).

### **§1309. Requirements to add Elementary (Grades 1-5)**

A. - A.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

B. - B.3. ...

4. Beginning September 1, 2024, an applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1064 (April 2022), LR 48:2555 (October 2022), amended LR 50:668 (May 2024).

### **§1313. Requirements to add a Secondary (Grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)**

A. - A.2. ...

3. if adding a foreign language after 6/30/13, earn a passing Praxis score for world languages pedagogy; and

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam(s) required for the content area or 30 credit hours in the specialty content area; and

2. earn a passing Praxis score for world languages pedagogy for any foreign language add-on after 6/30/13; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1064 (April 2022), amended LR 50:668 (May 2024).

### **§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)**

A. ...

1. earn a passing score for Praxis secondary specialty area exam in the content area or 21 credit hours in the specialty content area;

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; or

2. earn 21 credit hours in the specialty content area; and

3. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024).

### **§1317. Requirements to add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, Theater, and Music)**

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; or

2. earn 30 semester hours in the specialty content area; and

3. earn a passing Praxis score for world languages pedagogy for any foreign language add-on after 6/30/13; and

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

B. - B.3. ...

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024).

### **§1319. Artist or Talented Endorsement**

A. An artist or talented endorsement is issued to a certified teacher who has earned an advanced degree in an artistic or talented field, or who has produced evidence of creative accomplishments over an extended period of time. An artist or talented endorsement allows the holder to provide artistic and/or creative services in a regular classroom to children at any grade level.

B. Artists. Areas: art, creative writing, drama, dance, music, theater, and visual arts.

1. Certification is granted only in the specific area requested.

2. Eligibility Requirements. Issuance requires an advanced degree in art, music, theater, liberal arts, or theater education or substantive evidence of creative accomplishments over an extended period of time as verified by the requesting LEA.

C. Talented. Areas: music, theater, and visual arts.

1. The endorsement qualifies the holder to provide talented services.

2. The endorsement is granted only in the specific area requested.

3. Eligibility Requirements. Endorsement issuance requires an advanced degree in art, music, theater, liberal arts, or theater education or substantive evidence of creative accomplishments over an extended period of time as verified by the requesting LEA; and

a. The individual must have a minimum of one year of successful experience working with students in the specific arts area and at the grade level for which employed, verified in accordance with §103 of this Part.

b. Experience outside of a school setting may be considered if verified as successful on official letterhead from the employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1-8.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:669 (May 2024).

### **Subchapter B. Special Education Level and Area Endorsements**

#### **§1321. Requirements to add Academically Gifted**

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

3. three semester hours in a practicum for academically gifted, an internship for college credit in academically gifted, or three years of successful teaching experience in academically gifted verified in accordance with §103 of this Part.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:669 (May 2024).

#### **§1323. Requirements to add Early Interventionist Birth to Five Years**

A. - A.3. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022), amended LR 50:669 (May 2024).

#### **§1325. Requirements to add Deaf or Hard of Hearing K-12**

A. - A.4. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), amended LR 50:669 (May 2024).

#### **§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010**

A. - A.1.f. ...

2. passing score for Praxis Mild to Moderate Pedagogy exam

3. ...

4. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

5. Individuals holding a valid OS, type C, level 1, or higher teaching certificate in upper elementary or middle school certificate grade levels 4-8, 5-8, or 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, all-level special education certificate in significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must meet the requirements of this Subsection and earn the following:

a. passing score on Praxis Elementary Education in accordance with §303 of this Part; and

b. passing score on Principles of Learning and Teaching (PLT) K-6.

B. Mild/Moderate Middle Grades 4-8 and Secondary 6-12

1. - 1.d. ...

e. Instructional Practices in Special Education. Three semester hours that provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grade levels 6-12 with concentration in areas of literacy and numeracy;

f. Self-Determination and Transition. Three semester hours in self-determination and development, implementation and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination and provides an understanding of the special education transition process as specified by federal and state guidelines with the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation/leisure and

2. passing score for Praxis Mild to Moderate Pedagogy exams in accordance with §303 of this Part; and

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

4. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

5. Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must also earn the following.

a. Mild/Moderate 4-8. A passing score for Principles of Learning and Teaching (PLT): 5-9, and a passing score for Middle School Content Exam(s) in accordance with §303 of this Part.

b. Mild/Moderate 6-12. A passing score for Principles of Learning and Teaching (PLT): 7-12, and a passing score for Secondary Core Content Exam(s) in accordance with §303 of this Part.

6. Individuals holding a valid upper elementary or middle school certificate in grade levels 4-8, 5-8, or 6-8 must also earn the following.

a. Mild/Moderate 6-12. A passing score for Principles of Learning and Teaching (PLT): 7-12, and a passing score for Secondary Core Content Exam(s) in accordance with §303 of this Part.

7. Individuals holding a valid secondary certificate in grade levels 6-12, 7-12, or 9-12, an all-level special education certificate for significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must also earn the following:

a. Mild/Moderate 4-8. A passing score for Principles of Learning and Teaching (PLT): 5-9, and a passing score for Middle School Content Exam(s) in accordance with §303 of this Part.

C. - E.3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:458 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:2556 (October 2022), amended LR 50:669 (May 2024).

## **§1329. Requirements to add Significant Disabilities 1-12**

A. - A.4. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR: 48:460 (March 2022), repromulgated LR 48:1069 (April 2022), LR 48:2556 (October 2022), amended LR 50:670 (May 2024).

## **§1331. Requirements to add Visual Impairments/Blind K-12**

A. - A.3. ...

B. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:461 (March 2022), repromulgated LR 48:1069 (April 2022), amended LR 50:670 (May 2024).

## **Subchapter C. All Other Teaching Endorsement Areas**

### **§1337. Adult Education Instructor**

A. - A.2. ...

a. five years of adult education experience prior to September 1982 implementation of certification requirements; or

A.2.b. - B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:461 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 50:670 (May 2024).

### **§1345. Child Search Coordinator**

A. - A.1. ...

2. graduate degree from a college or university accredited in accordance with 34 CFR 602;

3. - B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022), amended LR 50:670 (May 2024).

### **§1349. Counselor K-12 (Counselor in a School Setting)**

A. Individuals holding a valid teaching certificate or professional licensure and who completed all courses and degree requirements by June 30, 2017, will have the endorsement added to certificates based upon graduate training that included 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:

A.1. - B.4. ...

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), repromulgated LR 48:1071 (April 2022), LR 48:2102 (August 2022), amended LR 50:670 (May 2024).

### §1355. Educational Technology Areas

A. - B.1.c.ii.(d). ...

2. Repealed.

C. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:463 (March 2022), repromulgated LR 48:1072 (April 2022), amended LR 50:671 (May 2024).

### §1359. English as a Second Language

A. ...

1. valid standard professional level teaching certificate; and

A.2. - B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:464 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:670 (May 2024).

### §1360. Geometry

A. ...

1. valid OS or standard, professional level Louisiana teaching certificate or higher; and

A.2....

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2102 (August 2022), LR 48:2731 (November 2022), amended LR 50:671 (May 2024).

### §1361. Instructional Coaching

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

d. internship, three semester hours in which university and school districts collaborate to ensure meaningful and practical experiences in actual school settings during the course of the educational leadership program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:671 (May 2024).

### §1365. Reading Specialist

A. - B.3.c. ...

C. Beginning September 1, 2024, an applicant shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 50:671 (May 2024).

### §1367. School Librarian

A. ...

1. valid OS, type C, level 1, or higher Louisiana teaching certificate;

2. - 2.b. ...

c. elementary and/or secondary school library practice, three semester hours; or three years of successful experience as a school librarian, verified in accordance with §505 of this Part; or

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602 and a passing score on the Praxis library examination.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:671 (May 2024).

### §1369. Mentor Teacher

A. A certification to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard professional level teaching certificate for teachers meeting the eligibility requirements.

B. Eligibility requirements. Successfully complete a BESE-approved mentor teacher training program and earn a passing score on the Louisiana mentor teacher assessment series.

i. - iii. Repealed.

C. - E. ...

F. Individuals who currently hold a valid National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the Mentor Teacher add-on endorsement, and allows the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

6. Repealed.

G. Certified CLASS® observers may apply for the mentor teacher add-on endorsement, which qualifies the individual to serve as a mentor of undergraduate or post-baccalaureate residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in this Section.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:671 (May 2024).

### §1371. Content Leader

A. - B. ...

1. Repealed.

2. - 3. ...

C. Individuals who have successfully completed LDOE content leader training from November 1, 2017, through July 31, 2020, in accordance with Subsection B of this Section, are eligible for content leader certification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:671 (May 2024).

## **Chapter 15. Administrative and Supervisory Credentials**

### **Subchapter A. The Educational Leadership Certificate**

#### **§1503. Introduction**

A. The educational leadership certification structure provides for four levels of leader certification: teacher leader; educational leader level 1; educational leader level 2; and educational leader level 3. The teacher leader certificate is an option for a teacher to be identified as a teacher leader and is not a state required credential for a specific administrative position. The educational leader level 1 certificate is an entry-level certificate for individuals seeking to qualify for school and/or district leadership positions such as assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions. An individual advances from a level 1 to a level 2 certificate after successfully meeting standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902, and completing the required years of experience. The level 3 certificate qualifies an individual for employment as a district assistant superintendent or superintendent. The LDOE will issue a letter of eligibility for an EDL certificate to requesting educators not currently serving in an educational leadership role.

B. ...

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams, when not in violation of law. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within a specified time period, as determined by the LDOE. The final authority for approval and policy flexibility is at the discretion of the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022), amended LR 50:672 (May 2024).

#### **§1505. Educational Leader Certificate Level 1 (EDL 1)**

A. - A.1. ...

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience, with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

1.b. - 3.b. ...

c. provide documented evidence of leadership experiences of 240 clock hours or more aligned with performance expectations as listed in LAC 28:CXXXVII Bulletin 125 at the school and/or district level; and

d. ...

e. service as a mentor teacher or content leader is limited to a combined total of 100 clock hours.

4. - 5.a. ...

5.b. - 6. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), amended LR 50:672 (May 2024).

#### **§1507. Educational Leader Certificate Level 2 (EDL 2)**

A. ...

1. hold or be eligible to hold a EDL 1 certificate, Louisiana provisional principal certification, OSP2, or comparable level out-of-state educational leader certificate;

2. have three years of successful teaching experience;

3. ...

4. Repealed.

5. meet the standards of effectiveness as an educational leader for three years in accordance with §303 of this Part.

6. Repealed.

B. Renewal Requirements. An EDL 2 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of EDL 2 certificate. Individuals who are employed in a leadership capacity must successfully meet the standards of effectiveness as a leader, in accordance with §103 of this part, for at least three years during the five-year initial or renewal period.

1. - 2. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:467 (March 2022), repromulgated LR 48:1076 (April 2022), amended LR 50:672 (May 2024).

#### **§1509. Educational Leader Certificate Level 3 (EDL 3)**

A. - A.1.a. ...

b. three years of successful teaching experience;

c. - d. ...

B. Renewal Requirements. An EDL 3 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. Individuals who are employed in a leadership capacity must successfully meet the standards of effectiveness as a leader, in accordance with §103 of this Part, for at least three years during the five-year initial or renewal period.

1. - 2. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:468 (March 2022), repromulgated LR 48:1076 (April 2022), LR 50:672 (May 2024).

**§1517. Educational Leader Certification  
Implementation Timeline**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), repealed LR 50:673 (May 2024).

**Subchapter B. Out-of-State Administrative Certification Structure**

**§1519. Out-of-State Principal Level 1 (OSP1)**

A. This is a five year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant principal in a Louisiana public school system, and is issued upon employment as a principal or assistant principal in a Louisiana public school system.

1. ...

a. an out-of-state certificate as a principal or comparable educational leader certificate;

b. ...

c. must have been regularly employed as an assistant principal or principal for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana.

1.d. - 2. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), amended LR 50:673 (May 2024).

**§1521. Out-of-State Principal Level 2 (OSP2)**

A. - A.1. ...

a. hold or be eligible to hold an OSP1 certificate;

b. completion of Louisiana PRAXIS requirements for school leaders or qualify for exam exclusion in accordance with R.S. 17:8.4(A)(3) by fulfilling a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA.

b.i. - c. Repealed.

B. Renewal Requirements. Individuals who are employed in a leadership capacity must meet the standards of effectiveness as an educational leader, in accordance with §103 of this Part, during the validity period of the OSP2 certificate for at three years during the five-year initial or renewal.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024).

**§1523. Out-of-State Superintendent (OSS)**

A. - A.1.a. ...

b. a certificate from another state with authorization to serve as a school superintendent;

c. - e. ...

2. Renewal Requirements. Individuals must earn effective ratings per local personnel evaluations as a leader for at least three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:470 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024).

**Subchapter C. Administrative and Supervisory Endorsements**

**§1527. Elementary School Principal**

A. ...

1. valid Type A or Level 3 Louisiana teaching certificate for the elementary school;

2. - 5.b.ii.(a). ...

(b). school facilities; or

A.5.b.ii.(c). - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:470 (March 2022), repromulgated LR 48:1079 (April 2022), amended LR 50:673 (May 2024).

**§1529. Secondary School Principal**

A. - A.5.b.ii.(a). ...

(b). school facilities; or

A.5.b.ii.(c). - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:471 (March 2022), repromulgated LR 48:1079 (April 2022), amended LR 50:673 (May 2024).

**Subchapter D. All Other Supervisory Endorsements**

**§1541. Introduction**

A. In addition to those areas of supervision and administration embraced within the educational leader certification structure, the following supervisory endorsements are available to candidates holding a valid Louisiana teaching certificate:

1. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:473 (March 2022), repromulgated LR 48:1081 (April 2022), amended LR 50:673 (May 2024).

**§1543. Supervisor of School Libraries—Eligibility Requirements**

A. ...

1. valid Type A or Level 3 Louisiana certificate authorizing school library service;

2. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:473 (March 2022),

repromulgated LR 48:1081 (April 2022), LR 48:2102 (August 2022), amended LR 50:673 (May 2024).

### **§1545. Supervisor of Parish or City Materials and/or Media Centers**

A. ...

1. valid Type A or Level 3 Louisiana teaching certificate;

2. - 3.d. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:473 (March 2022), repromulgated LR 48:1082 (April 2022), amended LR 50:674 (May 2024).

## **Chapter 17. Certification Appeal Process**

### **§1703. Appeal Process**

A. - A.3. ...

a. lack exam requirements for initial certification or administrative certification;

b. - d. ...

e. lack a degree; or

f. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:2557 (October 2022), amended LR 50:674 (May 2024).

## **Chapter 21. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units**

### **§2101. General Provisions**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1083 (April 2022), repealed LR 50:673 (May 2024).

### **§2105. Continuing Learning Units (CLUs)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), repealed LR 50:674 (May 2024).

## **Chapter 23. Approved Courses to Reinstate Lapsed Certificates**

### **§2301. Period of Validity**

A. The period of validity for a Louisiana lifetime teaching certificate is subject to the provision that the certificate holder does not allow a period of five or more consecutive calendar years of disuse to accrue, and/or the certificate is not revoked by the State Board of Elementary

and Secondary Education acting in accordance with law. As applicable to certificate validity, the term disuse is defined as a period of five consecutive calendar years in which a certificated individual is not a teacher of record for at least one semester, or 90 consecutive days. If such a period of disuse occurs, the certificate has lapsed. Lapse does not apply to certificates renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), LR 50:674 (May 2024).

### **§2303. Reinstatement of a Lapsed Certificate**

A. A lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of five years. During the reactivated period the holder must earn effective ratings in accordance with LAC 28:CXLVII Bulletin 130, for at least three years during the five-year reactivated period. Once three effective evaluations are earned, the certificate will be reinstated to lifetime validity. The request for reinstatement must be submitted directly to the LDOE by the Louisiana employing authority. Reinstatement does not apply to certificates renewable via the standards of effectiveness in accordance with LAC 28:CXLVII Bulletin 130.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), LR 50:674 (May 2024).

### **§2305. Certificate Reinstatement Coursework**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022), repealed LR 50:674 (May 2024).

## **Chapter 25. Definitions**

### **§2501. Terms**

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*Content Leader Ancillary Certificate*—a type of certificate that authorizes an individual to serve as a school- or district-based instructional expert who is responsible for delivery of professional development aligned with state content standards found throughout the Louisiana Administrative Code, Title 28, Education.

*Core Subject Areas*—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; history; and geography.

*Endorsement*—a permanent certification, license, or credential added to an existing teaching certificate.

*Equivalent Contact Hours*—time spent with the instructor, time spent practicing or engaging in instruction,

or a combination of both. One credit hour is equivalent to 15 contact hours.

*Graduate*—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

*Industry Based Certification*—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas such as certified landscape technician, ASE certification, or licensed cosmetologist.

*Louisiana Employing Authority or Local Education Agency (LEA)*—a BESE-approved school or other BESE-approved entity employing a Louisiana educator for the purposes of providing educational services to Louisiana students. The BESE-approved school or entity is responsible for the evaluation of educators and submission of certification requests in accordance with Louisiana law and BESE policy. These include Louisiana approved public, charter, and non-public schools, BESE-approved third party entities contracted to school systems, and BESE-approved early learning centers.

*Mentor Teacher*—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with yearlong residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII *Bulletin 130*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:478 (March 2022), repromulgated LR 48:1086 (April 2022), amended LR 50:674 (May 2024).

**§2503. Acronyms**

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*LDOE*—Louisiana Department of Education, may also be referenced as LDE or department.

*LEA*—Louisiana Employing Authority or Louisiana Education Agency.

*NASDTEC*—National Association of State Directors of Teacher Education and Certification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:479 (March 2022), repromulgated LR 48:1087 (April 2022), amended LR 50:675 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#029

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs  
Educator Preparation Program Providers  
(LAC 28:XLV.Chapter 3, Chapter 4,  
Chapter 5, Chapter 7, and Chapter 9)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The revisions provide clarity to educator preparation program providers and address the following: submission requirements following denial for program applicants; implementation dates and scoring for the Early Childhood Quality Rating System; inclusion of family child care home providers with academic approval in the quality rating system; repeal of obsolete subchapters; program considerations regarding associate teachers; and technical edits. This Rule is hereby adopted on the day of promulgation.

**TITLE 28  
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of  
Teacher and/or Educational Leader Preparation  
Programs**

**Chapter 3. Initial State Approval for Teacher or  
Educational Leader Preparation  
Programs**

**§303. Initial Approval  
[Formerly §203]**

A. - D. ...

E. Upon receipt, teacher, early childhood ancillary certificate program, and/or educational leader proposals will undergo a preliminary review by the LDE for completeness. Proposals that are determined to be complete and meet all initial submission requirements will undergo an evaluation process conducted by a panel of reviewers. Proposals that do not meet all initial submission requirements will receive a notice of pending denial. Providers must provide the required material within seven days. If providers do not provide the required material, the proposal will be denied. Proposals may be resubmitted no sooner than one calendar year following denied applications at two consecutive approval cycles.

F. - H.1. ...

2. If BESE does not grant initial approval of the proposed program, the teacher, early childhood ancillary certificate program, or educational leader provider is eligible to resubmit the proposal. Proposals may be resubmitted no sooner than one calendar year following denied applications at two consecutive approval cycles.

I. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:1757 (July 2022), LR 50:675 (May 2024).

#### **Chapter 4. Teacher and Leader Preparation Program Accountability, Renewal and Approval**

##### **§405. Louisiana Teacher Preparation Quality Rating System**

A. - B.2.c.ii. ...

d. school system-based teacher preparation programs may use the same methodology described above to define high-need certification areas and high-need schools at the local level;

3. - 3.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), LR 48:1757 (July 2022), LR 50:676 (May 2024).

#### **Chapter 5. Louisiana Early Childhood Ancillary Certificate Program Accountability, Renewal, and Approval**

##### **§503. Early Childhood Ancillary Certificate Quality Rating System Participation and Performance Profile Implementation Timeline**

A. For early childhood ancillary certificate programs that obtain BESE approval prior to September 1, 2023.

1. The 2021-2022 academic year will be an initial pilot phase for the early childhood ancillary certificate program quality rating system. The 2022-2023 and 2023-2024 academic years will be an extended pilot phase for the early childhood ancillary certificate program quality rating system. BESE-approved early childhood ancillary certificate programs will be given the opportunity to participate in a pilot on-site review using the rubric maintained by the LDOE. If produced, individual early childhood ancillary certificate program performance profiles will not be published.

2. The 2024-2025 and 2025-2026 academic years will be a learning phase. There will be no consequences for early childhood ancillary certificate programs as a result of performance profiles or quality ratings during the learning phase. Performance profiles for the 2024-2025 and 2025-2026 learning phase will be publicly available in fall 2027 and will clearly indicate that the performance profile is informational and assigned during a learning phase.

3. The 2026-2027 academic reporting year will be the first year of the initial two-year renewal cycle.

B. - B.2. Repealed.

C. For early childhood ancillary certificate programs that obtain BESE approval after September 1, 2026, the two-year renewal cycle will begin on September 1 of the year directly following BESE approval.

D. Beginning with the 2023-2024 academic year, any early childhood ancillary certificate program that obtains

BESE approval prior to September 1 of that academic year must participate in the early childhood ancillary certificate program quality rating system during that academic year. BESE approval shall be terminated for any program that does not participate in the quality rating system or any component thereof.

E. Beginning with the fall semester of 2027, the LDOE will annually produce and make publicly available on the LDOE website a performance profile and quality rating for each BESE-approved early childhood ancillary certificate program. The quality rating will not be used to make judgments about renewal of early childhood ancillary certificate program approval until the spring semester of 2027.

F. Beginning with ratings assigned in the fall semester of 2027, Louisiana early childhood ancillary certificate quality rating system results will serve as the basis for early childhood ancillary certificate program renewal. The renewal cycle will be two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1088 (April 2022), LR 50:676 (May 2024).

##### **§505. Louisiana Early Childhood Ancillary Certificate Quality Rating System**

A. - B.2. ...

a. Program candidates shall include candidates who teach in Type III child care centers and family child care home providers with academic approval, enroll in the early childhood ancillary certificate program, and receive a scholarship through Louisiana Pathways to attend the BESE-approved program.

b. Progress toward attainment of the early childhood ancillary certificate will be measured by program candidates' attainment of credentialing milestones, including satisfactory academic progress, attainment of the CDA, and LDOE-issued certification.

3. Early Childhood Teacher Quality. Quality shall be measured by program candidates' CLASS® scores.

a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1089 (April 2022), LR 50:676 (May 2024).

##### **§507. Quality Rating Calculation**

A. - B. ...

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C. The early childhood ancillary certificate program experience score shall be determined by the last available on-site review rating. All numbers used in the on-site review calculation process shall be rounded to the nearest tenth, unless otherwise specified.

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D. The building workforce capacity score shall be determined by the calculation of an index score, to be calculated as follows.

1. The number of candidates in each category below will be multiplied by the corresponding index points

Candidate Complete	Index Points
Starts program but does not complete any course intervals within a year of cohort completion	0
Completes only the initial course interval within a year of cohort completion	25
Completes all coursework but does not obtain a CDA within a year of cohort completion	50
Completes coursework and obtains a CDA but does not obtain the ECAC within a year of cohort completion	75
Obtains the ECAC within a year of cohort completion	100

D.2. - E.4. ...

\* \* \*

F. The LDOE shall analyze results from the 2024-2026 learning cycle and may recommend additional policy for BESE consideration for 2026-2027 and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1090 (April 2022), LR 50:677 (May 2024).

## Chapter 7. Louisiana State Standards for Educator Preparation Programs

### Subchapter A. Traditional Teacher Preparation Programs

#### §703. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §705. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §707. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:676 (May 2024).

#### §709. Minimum Requirements for Approved Regular Education Programs for Grades PK-3

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §711. Minimum Requirements for Approved Regular Education Programs for Grades 1-5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §713. Minimum Requirements for Approved Regular Education Programs for Grades 4-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §715. Minimum Requirements for Approved Regular Education Programs for Grades 6-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §717. College of Art/Humanities/Sciences Degree Pathway to Secondary Education Certification (Grades 6-12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §719. Minimum Requirements for Approved Regular Education All-Level Programs for Grades K-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §721. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 1-5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

#### §723. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 4-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

**§725. Minimum Requirements for Approved General/Special Education Mild-Moderate Undergraduate Program: An Integrated to Merged Approach Grades 6-12**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:678 (May 2024).

**§727. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:678 (May 2024).

**§729. Minimum Requirements for Approved Teacher Education Program for Speech, Language, and Hearing Specialists**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1318 (July 2017), amended LR 43:2491 (December 2017), repealed LR 50:677 (May 2024).

**Subchapter B. Alternate Teacher Preparation Programs**

**§731. Introduction**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017), amended, LR 43:2491 (December 2017), repealed LR 50:678 (May 2024).

**§733. The Practitioner Teacher Program Alternative Path to Certification (Minimum Requirements)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017), repealed LR 50:678 (May 2024).

**§735. The Master's Degree Program Alternative Path to Certification (Minimum Requirements)**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017), repealed LR 50:678 (May 2024).

**§737. Certification-Only Program Alternative Path to Certification**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017), repealed LR 50:678 (May 2024).

**§739. The State as a Private Provider**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1325 (July 2017), repealed LR 50:678 (May 2024).

**Subchapter C. Teacher Preparation Programs**

**§743. Minimum Requirements for Traditional Teacher Preparation Programs**

A. - C.2.c. ...

d. teacher preparation providers may seek approval to offer an innovative residency model that does not meet the minimum instructional time requirements but meets a specific workforce need and includes high-quality clinical experiences throughout the program and intensive clinical experiences throughout the residency year; and

e. A candidate holding a valid associate teacher permit in accordance with LAC 28: CXV.525. (Bulletin 741) shall be deemed as appropriately meeting the undergraduate residency requirements and shall be considered a resident teacher by BESE during the final two semesters of the approved undergraduate preparation program.

C.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), amended LR 50:678 (May 2024).

**§745. Minimum Requirements for Alternate Teacher Preparation Programs**

A. - D.4. ...

a. Beginning with the 2020-2021 academic year, candidates enrolled in an alternate teacher preparation program who serve as a teacher of record must be mentored five hours per week, of the school's instructional time, during the first year, by a school-based mentor teacher, who may collaborate with other personnel providing mentoring support.

D.4.a.i. - F.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), amended LR 50:678 (May 2024).

**Subchapter D. Alternate Educational Leader Preparation Programs**

**§747. Educational Leader Practitioner (Residency) Program**

A. ...

1. Admission to the Program. Program providers work with local educational agency or state/ school system-approved charter school personnel to identify educational leader practitioner program candidates who will be employed by the local educational agency or approved charter school (hereinafter referred to as hiring authority). For admission, candidates must:

1.a. - 10. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017), amended LR 45:229 (February 2019), amended LR 50:679 (May 2024).

**Chapter 9. The Components of Effective Teacher Preparation**

**Subchapter A. Standard A: Candidates Provide Effective Teaching for All Students**

**§917. School Improvement [Formerly §417]**

A. The teacher education program provides candidates at both the initial and advanced levels with preparatory experiences in school improvement that includes taking an active role in school decision-making and creating relevant partnerships.

Unacceptable	Acceptable	Target
Candidates understand the processes of school improvement.	Candidates review and are familiar with school improvement efforts at the school and school system levels	Candidates participate in school improvement efforts by serving on committees and forming partnerships with community groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:2330 (November 2009), LR 37:565 (February 2011), amended LR 50:679 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#030

**RULE**

**Board of Elementary and Secondary Education**

**Bulletin 1566—Pupil Progression Policies and Procedures  
Third Grade Students with a Reading Deficiency  
(LAC 28:XXXIX.701)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XXXIX in *Bulletin 1566—Pupil*

*Progression Policies and Procedures*. Act 422 of the 2023 Regular Legislative Session requires revisions to BESE policy regarding pupil progression plans. The revisions implement policy regarding promotion or retention of certain students with reading deficiencies that have not been remediated by the end of third grade. A student must score above the lowest achievement level on the literacy screener and may be given three attempts prior to the subsequent academic year. Such a student will be screened for dyslexia and may be promoted under certain stipulations. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures**

**Chapter 7. Promotion and Support Policy**

**§701. Promotion and Support Standard for Grades 3-7**

A. - C.2. ...

D. Beginning with the 2024-2025 school year, a third grade student with a reading deficiency as demonstrated by the student scoring at the lowest achievement level in reading on an end-of-year literacy screener in accordance with LAC 28:XXV.2307. *Bulletin 741* shall be provided with two additional opportunities to score a higher achievement level on the literacy screener prior to the beginning of the subsequent academic year. A student who does not score above the lowest achievement level on the literacy screener after three attempts shall be screened for dyslexia and shall not be promoted to the fourth grade unless promoted for good cause as outlined in Subsection E. of this Section.

E. Promotion to Fourth Grade for Good Cause.

1. A student who does not meet the literacy criteria for promotion may be promoted to fourth grade if the student meets at least one of the following conditions:

a. A limited English proficient student has been enrolled in an English language assistance program for fewer than two years.

b. An IEP indicates that the screener is not appropriate for the student with a disability.

c. A student with an IEP or 504 Plan has received intensive reading intervention for two years and still scores at the lowest achievement level on the literacy screener.

d. A student with an IEP or 504 Plan was previously retained in kindergarten, first, or second grade and still scores at the lowest achievement level on the literacy screener.

e. A student has received intensive evidence-based structured literacy intervention for two or more years, still scores at the lowest achievement level, does not meet exceptional criteria, and was previously retained for a total of two years in kindergarten, first, second, or third grade. For the purposes of this Section, intensive reading intervention includes targeted intervention in a small group with progress monitoring documented through an individual reading improvement plan.

f. A student has been diagnosed with dyslexia.

g. The student demonstrates an acceptable level of proficiency on a BESE-approved alternative standardized assessment. Alternative assessments will be presented for BESE approval upon recommendation of LDOE. A student scoring Mastery on the English language arts section of the LEAP 2025 assessment may be considered for promotion.

2. Promotion to fourth grade may be considered for a student who meets a good cause as indicated in this Section. Such promotion shall be considered as follows:

a. The teacher shall confer with the parent or guardian of the student to determine whether promotion based on an exemption should be pursued.

b. The teacher shall submit documentation to the school principal that promotion is appropriate for the student. The documentation shall clearly demonstrate that the student meets at least one of the criteria for good cause and shall reflect the decision of the parent or guardian to allow the request for promotion.

c. The principal shall review the request and documentation provided by the teacher and determine whether to make a written recommendation for promotion. Such recommendation shall be made in writing to the local superintendent.

d. The local superintendent shall review the request and documentation provided by the school principal and, in writing, accept or reject the recommendation. Written notification shall be provided to the parent or guardian and the school principal.

e. The parent or guardian shall have the option to have the child retained in third grade even if the determination of the principal and superintendent is to have the student promoted to fourth grade.

3. Students promoted for good cause shall be provided an individual reading improvement plan using the LDOE form provided.

a. Each plan shall include specialized diagnostic information and intensive evidence-based structured literacy instruction and intervention

b. The school shall confer with the parent or guardian to communicate the support provided according to the plan, the protocol for progress monitoring, and suggestions for strategies families can use at home.

c. Each LEA shall assist schools and teachers in implementing evidence-based reading strategies shown to be successful in improving reading among students with persistent reading difficulties.

4. Beginning with the 2025-2026 school year, no later than the October MFP collection, each LEA shall identify each third grade student retained in the prior year pursuant to Subsection D of this Section and each fourth grade student promoted due to good cause exemption outlined in Subsection E of this Section, indicating the exemption applied. The LDOE will annually publish a report containing the compiled data.

F. Third Grade Retention. A student who is retained in third grade due to a reading deficiency shall be provided intensive evidence-based structured literacy instructional services, progress monitoring, and support as outlined in the individual reading improvement plan to include a daily minimum of ninety minutes of evidence-based, scientifically researched reading instruction during regular school hours and 30 minutes of daily evidence-based reading intervention in the identified area of reading deficiency.

1. Intervention and instruction shall be based upon the foundations of literacy and shall include phonological awareness, phonics, decoding, fluency, and comprehension.

2. Intervention and instruction may also include small group instruction, lower teacher-student ratios, tutoring, transition classes, or extended school calendar for day, week, or summer programs.

3. The student shall be assigned a teacher who has successfully completed training in literacy instruction and who is highly effective as determined by student performance data, particularly related to student growth in reading, and performance appraisals.

4. The parent or guardian shall be provided with written notification of the individual reading improvement plan, the protocol for progress monitoring, and instructions for parent guided at-home reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:24.9; R.S. 17:24.10 and R.S. 17:24.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), amended, LR 48:1760 (July 2022), LR 50:679 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#031

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 1922—Compliance Monitoring Procedures Special Education Corrective Action Plans (LAC 28:XCI.107)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XCI in *Bulletin 1922—Compliance Monitoring Procedures*. The revisions facilitate the process by which the LDOE may approve, when necessary, a special consultant to collaborate with a Local Education Agency (LEA) for development and implementation of an intensive corrective action plan. This Rule is hereby adopted on the day of promulgation.

## TITLE 28 EDUCATION

### Part XCI. Bulletin 1922—Compliance Monitoring Procedures

#### Chapter 1. Overview

#### §107. Corrective Action and Sanctions

A. - F.3. ...

4. The LDOE may determine that a special consultant or management team is necessary to assist the LEA in addressing areas of non-compliance. The LDOE will select a special consultant or management team to collaborate with the LEA in developing and implementing an intensive corrective action plan. The special consultant and the ICAP activities will be funded at the local level.

5. - 5.d....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October

Kimberly Tripeaux  
Interim Executive Director

2405#049

**RULE**

**Board of Elementary and Secondary Education**

**Dyslexia Screening  
(LAC 28:XXXV.109 and CXV.1123)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. The revisions establish policy in response to Act 266 of the 2023 Regular Legislative Session, which requires school systems to screen all kindergarten students for dyslexia and students in other grades upon request, reporting related data to the Louisiana Department of Education (LDOE). This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia**

**Chapter 1. General Provisions**

**§109. Screening Requirements**

A. - F. ...

G. A third grade student who does not score above the lowest achievement level on the literacy screener after three attempts and who is promoted to fourth grade for good cause in accordance with LAC 28:XXXIX.701. (*Bulletin 1566*) shall be screened for dyslexia.

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, in accordance with LAC 28:XXV.1123. (*Bulletin 741*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:681 (May 2024).

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

**Chapter 11. Student Services**

**§1123. Educational Screening and Evaluation**

A. - G. ...

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, to determine whether a student is at risk for dyslexia.

1. If the results of such screening indicate that a student is at risk for dyslexia, the parent or guardian shall be notified of the results of the screening within 30 days.

2. Each public school governing authority shall annually submit a report to the LDOE by December fifteenth that shall include:

a. the number of students at each grade level who are identified as having dyslexia;

b. for students with a Section 504 Plan identified as having dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level;

c. for students with an IEP identified as having a specific learning disability—dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11) and R.S. 17:392.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 39:2208 (August 2013), LR 50:681 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#050

**RULE**

**Board of Elementary and Secondary Education**

**Honorary Diplomas  
(LAC 28:I.1501)**

In accordance with the provision of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:I. in *BESE/8g Operations*. The proposed revision is in response to House Resolution 256 of the 2023 Regular Legislative Session that requested BESE, in collaboration with the Louisiana Department of Education (LDOE), to develop policy related to the issuance of posthumous high school diplomas to deceased high school students. This Rule is hereby adopted upon promulgation.

**Title 28  
EDUCATION**

**Part I. BESE/8(g) Operations**

**Chapter 15. Honors and/or Special Recognitions**

**§1501. Honorary Diplomas**

A. - A.4. ...

B. Beginning with the 2023-2024 school year, all secondary public schools may posthumously issue honorary diplomas to deceased students who passed away while enrolled in a current high school cohort. On behalf of the student, the parent or legal guardian of the deceased student shall request the posthumous diploma from the Local Education Agency (LEA) during the school year in which the student cohort is scheduled to graduate.

1. For purposes of this Section, a *cohort* is defined as all students who entered ninth grade for the first time in the state of Louisiana in a given academic year.

2. The student must have been enrolled and in good standing with the school at the time of the student's death.

3. The deceased student must not have been convicted of a felony before the student's death.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1273 (July 2015), amended LR 50:681 (May 2024).

Kimberly Tripeaux  
Interim Executive Director

2405#032

**RULE**

**Department of Energy and Natural Resources  
Office of Conservation  
Injection and Mining Division**

**Class VI Injection Well—Fee Schedule  
(LAC 43:XVII.Chapter 38)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, the Department of Energy and Natural Resources, Office of Conservation has adopted Statewide Order No. 29-N-7 (LAC 43:XVII.Subpart 8, Chapter 38), to facilitate the permit review of Class VI injection well applications, which are used to injection carbon dioxide for the purposes of geologic sequestration.

The Department of Energy and Natural Resources, Office of Conservation has adopted provisions governing the oversight of the Class VI carbon sequestration application fee standards within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class for wells that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program received primary enforcement authority (primacy) from the United States Environmental Protection Agency on February 5, 2024, modifying the UIC Program oversight to include Class VI wells in addition to current oversight authority for Class I, II, III, IV, and V wells. Promulgation of Statewide Order No. 29-N-7 is required in order to collect standardized application fees for this new program. This Rule is hereby adopted on the day of promulgation.

**Title 43**

**NATURAL RESOURCES**

**Part XVII. Office of Conservation—Injection and Mining**

**Subpart 8. Statewide Order No. 29-N-7**

**Chapter 38. Class VI Injection Well Supplemental Rules—Fee Schedule**

**§3801. Definitions**

*Application Fee*—the fee charged to an applicant for review of a Class VI permit application that is not in excess of the total, actual cost of review to the Office of Conservation.

*Escrow Account*—an account held by the Office of Conservation in favor of a Class VI applicant from which funds are drawn in order to provide for the review of a Class VI permit application.

*Expedited Permit Review*—an Office of Conservation program administered pursuant to LAC 43:XIX.4701 et seq. (Statewide Order No. 29-B, Chapter 47), which provides for the expedited review of permits.

*Filing Fee*—an initial fee to be paid upon submission of a Class VI permit application from which funds will be drawn to cover the cost of permit application review.

*Operator*—the person recognized as being responsible to the Office of Conservation for the well, site, facility, or activity subject to regulatory authority under these rules and regulations. The operator can, but need not be, the owner of the well, site, or facility.

*Periodic Area of Review Update*—a submission which includes a re-evaluation of the area of review submitted in accordance with LAC 43:XVII.3615.C.

*Qualified Third-Party Reviewer*—a party determined by the State of Louisiana to meet applicable procurement criteria in order to be contracted by the commissioner to assist Office of Conservation employees with Class VI permit application reviews.

*Residual Escrow Funds*—any remaining funds on deposit with the Office of Conservation in favor of an applicant or permittee after a final decision on a Class VI permit application is rendered by the commissioner and all qualified expenses have been deducted from the account.

*Storage Facility*—the reservoir, underground equipment, and surface facilities used or proposed to be used in a geological sequestration operation, excluding pipelines used to transport carbon dioxide to a storage facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:682 (May 2024).

**§3803. General Provisions**

**A. Applicability**

1. This Chapter establishes the regulatory framework for permit application review fees associated with Class VI geologic sequestration facilities and wells. Timing, commencement of review, and allocation of resources for any Class VI permit application review is an exercise of the commissioner’s discretion and is subject to, but not limited by, the availability of resources, the scale of the project, the quality of the application submittal, and the complexity of the review required in order to evaluate the permit application.

2. Permit applications reviewed under these rules shall meet all statutory and regulatory requirements, including those requirements related to public notice and participation processes.

**B. Eligibility**

1. The fees specified in this Chapter shall apply to any permit application for a new Class VI geologic sequestration facility or well and for any review pursuant to LAC 43:XVII.Chapter 36 or R.S. 30:1101 et seq.

2. The fees of this Chapter are established pursuant to R.S. 30:1101 et seq. and are not applicable to enhanced oil recovery projects, except for those which transition into Class VI geologic sequestration projects.

C. Expedited Permitting

1. Expedited permitting pursuant to LAC 43:XIX.4701 et seq. by Office of Conservation staff is separate from the reviews pursuant to this Chapter.

D. Qualified Third-Party Review

1. Pursuant to R.S. 30:1110(E), the commissioner may contract for outside professional services to assist with Class VI permit application reviews.

2. The cost of the Qualified Third-Party (“QTP”) review will be drawn from the filing fee.

a. If the cost of the QTP review exceeds the filing fee, the Office of Conservation may require additional funds from the applicant in order to proceed further with the permit application review.

b. An applicant may request a QTP review of any of its pending Class VI permit applications at any time before commencement of the technical review of such permit application.

c. The Commissioner of Conservation may require a QTP review of any Class VI permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:682 (May 2024).

**§3805. Application Filing Fees**

A. Fee Amounts

1. For the permit application of an initial Class VI well and storage facility, the filing fee shall be not more than \$100,000 (the “base filing fee”).

a. For each additional Class VI well proposed in a storage facility, an additional \$10,000 shall be added to the base filing fee.

b. The filing fee shall not exceed \$200,000 for any single storage facility.

2. For the periodic area of review update, conducted in accordance with LAC 43:XVII.3615.C, the filing fee shall be \$25,000.

3. For all Class VI permit applications, additional funds not to exceed the total, actual cost of review may be required to be paid by the applicant pursuant to La R.S. 30:1110.C(3).

B. Fee Basis

1. The total, actual cost of any Class VI permit application review shall include all those costs associated with reviews by Office of Conservation employees or other public employees, including, but not limited to, salaries and related benefits, equipment costs, and travel expenses. If the applicant has requested or the commissioner has required a QTP review, all costs associated with the QTP review will also be drawn from the filing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024).

**§3811. Failure to Pay**

A. Operators who have violated any requirement of this Chapter may be liable for a civil penalty or liable for appropriate relief granted in a civil action pursuant to R.S. 30:1106.

B. The operator must comply with all requirements of this Chapter. Any noncompliance may result in enforcement

action or permit termination, revocation and reissuance, or modification or in suspension of a permit application review or denial of a permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024).

Benjamin C. Bienvenu  
Commissioner

2405#024

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

Association Annual Plan of Operation Report  
(LAC 35:III.5773)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has amended LAC 35:III.5773. The amendment is a technical change that specifies the due date of a Racing Association’s Annual Plan of Operation Reports from January 30 following the fiscal year end to a date as specified by the Racing Commission in order to account for different associations’ fiscal year ends. This Rule is hereby adopted on the day of promulgation.

**Title 35**

**HORSE RACING**

**Part III. Personnel, Registration and Licensing  
Chapter 57. Associations' Duties and Obligations  
§5773. Association Annual Plan of Operation Report**

A. An association shall provide an annual report to the commission, due by the date specified by the commission after each fiscal year ends starting with fiscal year 2022, regarding the association’s plan of operation for the upcoming fiscal year to include details about:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:164.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 49:868 (May 2023), amended LR 50:683 (May 2024).

Stephen Landry  
Executive Director

2405#040

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

Disability Accommodations  
(LAC 35:I.322)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 42:14 and R.S. 42:17.2.1, notice is hereby

given that the Racing Commission has adopted LAC 35:I.322 pertaining to it accessibility during open meetings..

Act 393 of the 2023 regular session mandates that the State Racing Commission adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following Rule allows for access to open meetings held by the State Racing Commission. This Rule will accommodate participation on an individual basis by: members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation. This Rule is hereby adopted on the day of promulgation.

**Title 35**

**HORSE RACING**

**Part I. General Provisions**

**Chapter 3. General Rules**

**§322. Disability Accommodations**

A. People with disabilities are defined as any of the following:

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

B. The written public notice for an open meeting, as required by R.S. 42:19 shall, include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

C. The requestor shall be provided with an accommodation for participation as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

1. Requestor can submit a written letter addressed to executive director prior to the scheduled meeting that:

- a. states requestor’s concerns or questions to be addressed by commission;
- b. will be read aloud by executive director during the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:684 (May 2024).

Stephen Landry  
Executive Director

2405#039

**RULE**

**Office of the Governor  
Division of Administration  
Racing Commission**

**Timing of Entering Next Claiming Race  
(LAC 35:XI.9905)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, that the Racing Commission has amended LAC 35:XI.9905. The amendment adds exceptions

to the provisions of claiming procedures and clarifies language regarding when a claimed horse shall not run. This Rule is hereby adopted upon the day of promulgation.

**Title 35**

**HORSE RACING**

**Part XI. Claiming Rules and Engagements**

**Chapter 99. Claiming Rule**

**§9905. Timing of Entering Next Claiming Race**

A. Except as otherwise provided herein, a claimed horse shall not run for 20 days after being claimed in a race in which the determining eligibility price is less than 25 percent more than the price at which the horse was claimed. For a period of 10 days thereafter, a horse is eligible to run back for the same claiming price or higher. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the thirty-first day following the claim for any claiming price. This provision shall not apply to allowance/optional claiming or starter allowance/optional claiming races in which a horse is entered for the allowance condition, starter handicaps in which the weight to be carried is assigned by the handicapper, starter stakes and starter allowance races. This provision shall apply to allowance/optional claiming and starter allowance/optional claiming races, if a horse is entered for a claiming price. A similar rule in other states will be recognized and enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 30:1476 (July 2004), amended LR 33:2422 (November 2007), LR 41:1673 (September 2015), LR 44:916 (May 2018), LR 50:684 (May 2024).

Stephen Landry  
Executive Director

2405#041

**RULE**

**Department of Health  
Board of Dentistry**

**Continuing Education Requirements  
(LAC 46:XXXIII.313)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.313. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 3. Dentists**

**§313. Portable and Mobile Dentistry**

A. - C.3. ...

4. All mobile or portable operations must conform to all existing and applicable Dental Practice Act rules and regulations, federal, state, and local laws, regulations, and

ordinances including those relative to radiographic equipment, flammability, construction, sanitation, zoning, OSHA regulations, and applicable Federal Centers for Disease Control Guidelines and Prevention, Louisiana Department of Health and Hospital regulations including those for medical waste transportation, and the applicant possesses any applicable parish and city licenses or permits to operate the unit.

5. Each mobile dental clinic or mobile dental unit shall have:

- a. ready access to a ramp or lift if necessary;
- b. a properly functioning sterilization system;
- c. ready access to an adequate supply of potable water;
- d. ready access to toilet facilities if necessary;
- e. a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;
- f. an emergency kit available at all times;
- g. portable oxygen available at all times;
- h. medical waste disposal consistent with CDC guidelines;
- i. properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;
- j. suction equipment to maintain the current prevailing standard of care.

6. Each *portable dental clinic* shall have:

- a. ready access to an adequate supply of potable water;
- b. a covered galvanized, stainless steel, or other non-corrosive container for deposit of refuse and waste materials;
- c. an emergency kit available at all times;
- d. portable oxygen available at all times;
- e. medical waste disposal consistent with CDC guidelines;
- f. a properly functioning sterilization system;
- g. properly functioning radiograph equipment producing fully developed x-rays of diagnostic quality;
- h. suction equipment to achieve a minimum level of three cubic feet per minute.

7. The *mobile dental clinic*, mobile dental unit, or portable dental clinic shall be inspected in a timely fashion by a dental board member or a staff evaluator prior to receiving approval to operate.

8. During operations the mobile dental clinic, mobile dental unit, or portable dental clinic shall prominently display all applicable licenses and permits in compliance with §104 of these rules. These documents may be kept in a notebook labeled Licenses and Permits. Copies of licenses and permits are acceptable.

9. Transferability. Neither the mobile or portable permits are transferable.

10. Renewal. Mobile or portable permits expire at the same time as the operator's dental license but shall be renewed at the time the operator renews his or her dental license by completing the renewal form and paying all applicable fees.

D. Record Keeping. The operator or operation shall maintain an official business or mailing and actual, physical address of record which shall not be a post office box except where mail is deliverable to a post office box only and a 24

hour emergency telephone number which shall be filed with the board. The dental board shall be notified within 30 days of any change in the address of record. All written or printed, or electronic documents available from or issued by the operator or operation shall contain the official address of record of the operator or operation. When not in transit, all dental and official records, printed or electronic shall be maintained or available at the official office address of record, in conformity with all record-keeping requirements.

E. - E.8. ...

9. When analogue radiographs are to be made by the operator or operation, a lead apron which includes a thyroid collar shall be utilized and adequate protection for the x-ray technician shall be utilized. The lead apron is not necessary when the radiographs are digital.

F. - G.1. ...

2. a statement that a parent or guardian may attend all dental visits and the form provides a telephone number and address where the parent or guardian can contact the operator's office if they wish to be at the school, facility or site when the minor is being treated. If the parent or guardian contacts the operator's office requesting to be present at the dental visit when their child is being treated, then the operator shall notify the parent or guardian when dental care is to be rendered so the parent or guardian can be present. If the parent or guardian requests to be present, but does not appear at the site where the treatment is being provided no dental care shall be rendered to that patient;

G.3. - J.1. ...

2. The dental board shall be provided with a list of all sites, including addresses where the operator shall conduct mobile or portable activities, at the time the permit is applied for and it shall be updated as necessary every 30 days.

K. - L. ...

1. An administrative company shall not be permitted to perform any duties or services that are exclusively a Louisiana licensed dentist's responsibility under the Louisiana Dental Practice Act, including the following:

\*\*\*

L.2. - M.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), and Act 429 of the Regular Legislative Session of 2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 36:2035 (September 2010), amended LR 37:1406 (May 2011), LR 42:59 (January 2016), LR 50:684 (May 2024).

Arthur Hickham, Jr.  
Executive Director

2405#018

## RULE

### Department of Health Board of Examiners of Nursing Facility Administrators

Pre-Examination Requirements: Conditions Precedent  
(LAC 46:XLIX.503)

The Board of Examiners of Nursing Facility Administrators, pursuant to R.S. 37:2501 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended its rules relative to the

education and experience required of applicants for licensure as a nursing facility administrator in Louisiana. The board recognizes there is a constant, increasing demand nationwide, specifically including Louisiana, for experienced healthcare professionals of all license classes, including but not limited to administrators. Recent years and the COVID-19 pandemic has greatly exacerbated that demand and has required unquantifiable efforts and burdensome hours for those remaining, active healthcare personnel. This Rule is hereby adopted on the day of promulgation.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLIX. Nursing Facility Administrators**

##### **Chapter 5. Examinations**

##### **§503. Pre-Examination Requirements: Conditions Precedent**

A. No person shall be authorized to take an examination for licensing licensure as a nursing home administrator, unless he or she reasonably evidences completion of or otherwise complies with the following requirements.

1. The applicant is 21 years of age or older.
2. The applicant is a citizen of the United States of America or a non-citizen who lawfully resides in the United States.
3. The applicant has submitted his or her fingerprints for a state and national criminal history records information search in accordance with R.S. 37:2505.1 and has been determined by the Board to be eligible for licensure following its consideration of all relevant criminal history records information in accordance with applicable law.
4. The applicant is physically and mentally suitable and fit to be licensed and to practice as a nursing home administrator.
5. The applicant has successfully done either of the following:
  - a. completed a bachelor's degree from an accredited institute of higher learning.
  - b. submitted evidence to the board reasonably proving the applicant has worked for at least 10 years as a licensed nursing facility administrator either in Louisiana if the applicant has been previously licensed in the state or in any other authorized jurisdiction having substantially similar licensure requirements to those imposed in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2504.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Examiners of Nursing Home Administrators, April 1970, amended and promulgated LR 6:276 (June 1980), repealed and repromulgated by the Department of Health and Hospitals, Board of Examiners of Nursing Home Administrators, LR 18:181 (February 1992), amended by the Department of Health and Hospitals, Board of Examiners of Nursing Facility Administrators, LR 20:789 (July 1994), LR 33:2423 (November 2007), LR 37:592 (February 2011), LR 39:1044 (April 2013), amended by the Department of Health, Board of Examiners of Nursing Facility Administrators, LR 50:686 (May 2024).

Joseph E. Townsend  
Executive Director

2405#016

## **RULE**

### **Department of Health Licensed Professional Counselors Board of Examiners**

Meeting via Electronic Means (LAC 46:LX.307)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners has amended LAC 46: LX.307 pertaining to accessibility during its meetings. Act 393 of the 2023 regular session mandates that state agencies adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following Rule allows for access to open meetings held by the Licensed Professional Counselors Board of Examiners. This Rule amendment accommodates participation on an individual basis via electronic means by members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation.

The Licensed Professional Counselors Board of Examiners has amended Chapter 3, Section 307 in the February 20, 2024, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED**

#### **Part LX. Licensed Professional Counselors Board of Examiners**

##### **Subpart 1. Licensed Professional Counselors**

##### **Chapter 3. Board Meetings, Procedures, Records, Powers and Duties**

##### **§307. Meetings**

- A. ...
- B. Open Meetings Via Electronic Means
  1. Postings Prior to Meeting Via Electronic Means
    - a. At least 24 hours prior to the meeting, the following shall be posted on the board's website:
      - i. meeting notice and agenda; and
      - ii. detailed information regarding how members of the public may:
        - (a). participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
        - (b). submit written comments regarding matters on the agenda prior to the meeting.
    2. Electronic Meeting Requirements and Limitations
      - a. Any meeting conducted via electronic means shall be in compliance with requirements outlined in R.S. 42:17.2(C).
      - b. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the board's website.
    3. Disability Accommodations
      - a. People with disabilities are defined as any of the following:

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

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

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

d. Participation via electronic means shall count for purposes of establishing quorum and voting.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1101-1123 and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:129 (February 2003), 39:1782 (July 2013), LR 41:709 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 50:686 (May 2024).

Jamie S. Doming  
Executive Director

2405#017

## RULE

### Department of Health Emergency Response Network

#### LERN Destination Protocol: Stroke (LAC 48:I.19305)

The Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and enacts LAC 48:I.Chapter 193, Stroke Protocols, Section 19305, Destination Protocol: Stroke, as approved by the Louisiana Emergency Response Network Board in a meeting of November 16, 2023, as authorized by R.S. 40:2846(A), R.S. 40:2845(A)(7) and R.S. 9:2798.5. The amendment clarifies the existing destination protocol for a stroke to include screening for wake-up stroke by emergency medical services (EMS) and the appropriate destination for those patients. This Rule is hereby adopted on the day of promulgation.

### Title 48

### PUBLIC HEALTH—GENERAL

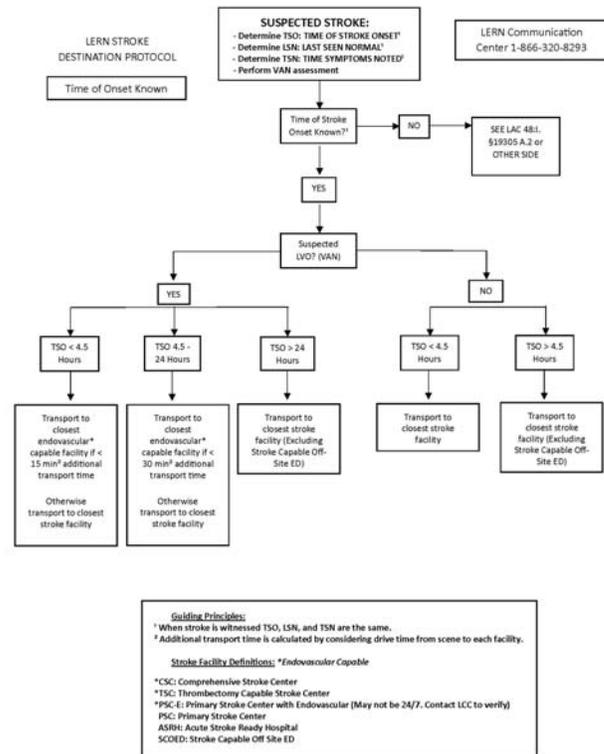
#### Part I. General Administration

#### Subpart 15. Emergency Response Network

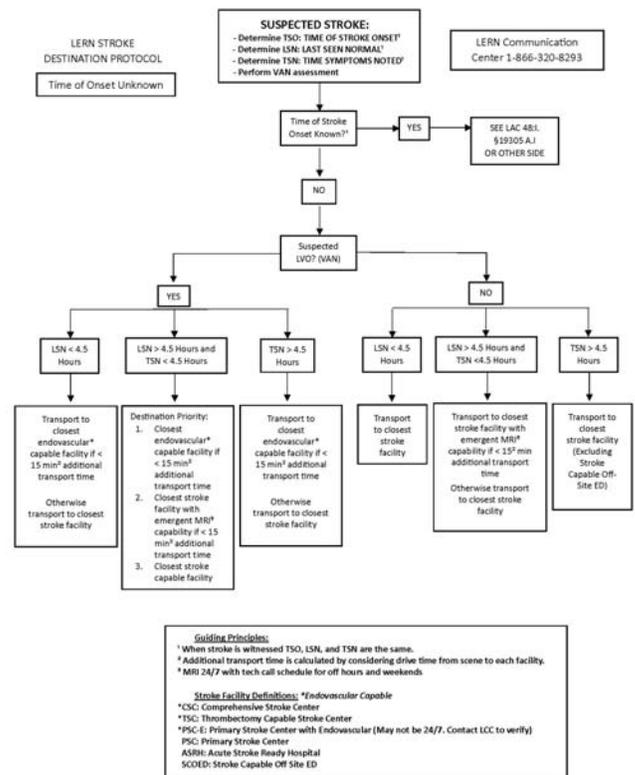
#### §19305. LERN Destination Protocol: Stroke

A. On November 17, 2023, to be effective January 1, 2024, the Louisiana Emergency Response Network Board [R.S. 40:2842(1) and (3)] adopted and promulgated “LERN Destination Protocol: Stroke”, amending and replacing the previous “LERN Destination Protocol: Stroke” adopted on April 21, 2017, and set out in Section 19303, as follows:

#### 1. LERN Destination Protocol: Stroke for Known Time of Stroke Onset



#### 2. LERN Destination Protocol: Stroke for Unknown Time of Stroke Onset



AUTHORITY NOTE: Promulgated in accordance with R.S. 9:21798.5 and R.S. 40:2846(A).

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 50:687 (May 2024).

Paige Hargrove  
Executive Director

2405#015

**RULE**

**Department of Health  
Office of Public Health  
Bureau of Emergency Medical Services**

**Automated External Defibrillators  
(LAC 48:I.Chapter 61)**

Under the authority of R.S. 36:254(B)(7) and R.S. 40:1137.3, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health, Office of Public Health (LDH-OPH) has amended Chapter 61 (Automated External Defibrillators) of Subpart 3 (Licensing and Certification) of Part I (General Administration) of Title 48 (Public Health—General) of the *Louisiana Administrative Code* (LAC). The amendments are necessary to update and revise the Chapter generally, and to match the amendments to R.S. 40:1137.3 made by Act 234 of the 2023 Regular Session.

The Rule amends the Chapter by incorporating changes that revise and augment included definitions, revise and augment certain substantive requirements, and revise and augment the compliance and enforcement provisions, including revised procedures and methodology related to the imposition of monetary penalties.

The Rule also implements the new requirements for postsecondary education institutions, high schools, middle schools, and elementary schools set forth in Act 234 of the 2023 Regular Session, including the requirement that schools and institutions sponsoring intercollegiate or interscholastic athletic events have an AED and a trained user also trained in first-aid CPR at such events, as well as a “cardiac emergency response plan”. The Rule provides that such requirements do not become effective until the beginning of the 2024-2025 school year, pursuant to Section 2 of Act 234. 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 61. Automated External Defibrillators  
§6101. Purpose and Definitions**

A. Purpose. These rules establish standards for the maintenance of automated external defibrillators for the owner of or the entity responsible for a physical fitness facility each postsecondary education institution, any postsecondary education institution that sponsors an intercollegiate athletic event, each elementary, middle and high school, and any elementary, middle, or high school that sponsors an interscholastic athletic event that possesses an automated external defibrillator.

B. ...

\* \* \*

a. - e. ...

*Bureau*—unless otherwise specified, the Bureau of Emergency medical Services within the Office of Public Health of the Louisiana Department of Health.

*Bureau of Emergency Medical Services (Bureau of EMS, BEMS)*—the EMS regulatory agency that licenses EMS practitioners; ambulance services/providers and enforces compliance of legislation that regulates telecommunicators and possessors of AEDs.

*Cardiac Emergency Response Plan*—a document written by the principal, president, or chancellor, or chief executive of a postsecondary education institution, elementary, middle, or high school, in collaboration with local emergency responders, that establishes the specific steps to reduce death from cardiac arrest at an intercollegiate or interscholastic athletic event.

*Cardiac Emergency Response Team*—a group of a minimum of two, but preferably four, individuals credentialed in pediatric, child, and adult CPR and use of an AED.

\* \* \*

*Credentialed*—adult and pediatric expected CPR providers and expected AED users who have completed an adult and pediatric CPR and AED course recognized by a nationally recognized organization or association such as the American Heart Association (AHA), the American Red Cross (ARC), the National Safety Council and the Health and Safety Institute (HSI), or the equivalent cardiopulmonary resuscitation credential that has been approved by the Louisiana Department of Health.

\* \* \*

*High School*—an education facility that typically comprises of grades nine through twelve.

*Information Management System*—an electronic system used to collect, analyze, and process data that is entered and/or uploaded into the system

*Intercollegiate Athletic Events*—athletic or sporting competitions between or among postsecondary education institutions, hosted or sponsored by one or more participating institutions.

*Interscholastic Athletic Event*—athletic or sporting competitions or activities between or among different elementary, middle, or high schools, hosted or sponsored by one or more participating schools.

*Middle School*—an education facility that typically includes grades seven and eight but may also include grades six and nine; also referred to as Junior High School.

\* \* \*

*Possessor*—any person, service, business, industry, physical fitness facility, entity, postsecondary education institution participating in intercollegiate sport, or security vehicle possessing an AED.

*Postsecondary Education Institution*—an institution that offers education following successful completion of high school or equivalent (e.g. GED); such institutions provide a higher level of education, and include universities, colleges, and trade, technical, and professional schools.

*Premises*—the physical facility, its contents, and the contiguous land or property under the control of a person or entity, and may mean a room, shop, building, field, or other definite area.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B) and R.S. 40:1137.3(F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2928 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:742 (June 2021), LR 50:688 (May 2024).

### **§6103. General Provisions**

#### **A. General requirements of a Possessor**

1. A possessor's responsibility and requirements are as follows.

a. The AED must be maintained and tested according to the manufacturer's guidelines; in accordance with state and federal rules and polices, including review of product warranty expirations for AED machine, pads and batteries.

b. Expected AED users must receive appropriate training in CPR and in the use of an AED by the American Heart Association, American Red Cross, the Health and Safety Institute, or the equivalent cardiopulmonary resuscitation credential that has been approved by LDH.

c. The local provider of emergency medical services (EMS) (such as a 911 service, local ambulance service, or fire department) must be activated by the possessor as soon as possible when an individual renders emergency care to an individual in cardiac arrest by using CPR or an AED. It is the responsibility of the individual rendering the emergency care to activate the local EMS provider.

d. The possessor must comply with all applicable requirements of R.S. 40:1137.3.

2. Any manufacturer, wholesale supplier, or retailer of an AED must notify purchasers of AED's intended for use in the state of Louisiana of the requirements of R.S. 40:1137.3.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2929 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:742 (June 2021), amended LR 49 (October 2023), LR 50:689 (May 2024).

### **§6105. Requirements and Reports**

#### **A. General Plan and Usage Review**

1. All entities that are required by La. R.S. 40:1137.3 or this Chapter to possess an AED must have a written CPR/AED guideline or plan for use during a sudden cardiac arrest (SCA).

#### **B. Additional Requirements for a Physical Fitness Facility or Physical Fitness Center**

1. After every event in which an AED is used, it is the responsibility of the physical fitness facility or physical fitness center to immediately replenish the AED supplies that were used and prepare the device to be ready for the next event.

2. The owner of or the entity responsible for either a physical fitness facility or a physical fitness center, must keep an AED on its premises, and must conduct routine testing and maintenance as prescribed by the manufacturer.

#### **C. Additional Requirements for Postsecondary Education Institutions, Effective upon the Beginning of the 2024-2025 School Year**

1. A Cardiac Emergency Response plan must be written and identify the members of the Cardiac Emergency Response Team. At a minimum, the plan must include:

- a. establishing a cardiac emergency response team;
- b. activating the team in response to a sudden cardiac arrest;
- c. implementing AED placement and routine maintenance within the institution;
- d. maintaining ongoing staff training in CPR and AED use;
- e. practicing using drills;
- f. integrating local EMS with the plan; and
- g. annually reviewing and evaluating the plan.

2. After every event in which an AED is used, it is the responsibility of the postsecondary education institution to immediately replenish the AED supplies that were used and prepare the device to be ready for the next event.

3. Each postsecondary education institution shall register the institution in the Bureau of EMS Information Management System.

a. This registration shall include, but is not limited to, the following information, and is subject to the following requirements:

- i. name and title of the individual(s) responsible for the maintenance and testing of the AED(s);
- ii. name and title of the individual(s) trained to utilize the AED(s);
- iii. location of all AED(s);
- iv. serial number/identification number of all AED(s);

v. schedules and timeframes for required maintenance;

vi. name of agency issuing training credential, name of individuals completing the credentialing training, date of recommended renewal of training;

vii. name of the individual providing medical oversight;

viii. initial registration shall occur within 60 days of the effective date of this Subsection, and any change in or addition to required information shall be uploaded to the Bureau of EMS Information Management System within 30 days from the date of occurrence;

ix. each postsecondary education institution shall have an AED on its premises in an easily accessible location, which location shall be within the athletic department if it has such a department; and

x. any postsecondary education institution that sponsors or hosts an intercollegiate athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

D. Additional Requirements for postsecondary education institutions effective until the beginning of the 2024-2025 school year.

1. Any institution of higher education that competes in intercollegiate athletics must have an AED on its premises in its athletic department, with posters approved by AHA/ARC on how to safely perform CPR and use the AED. The AED must be placed in open view within 2 feet of a telephone to readily enable a call to 911 from within the athletic department. It must also be placed in an area with easy access to coaches and athletic personnel where athletes are training and/or competing.

E. Additional Requirements for elementary, middle, and high schools, effective upon the beginning of the 2024-2025 school year.

1. A Cardiac Emergency Response plan must be written and identify the members of the Cardiac Emergency Response Team. At a minimum, the plan must include:

- a. establishing a cardiac emergency response team;
- b. activating the team in response to a sudden cardiac arrest;
- c. implementing AED placement and routine maintenance within the institution;
- d. maintaining ongoing staff training in CPR and AED use;
- e. practicing using drills;
- f. integrating local EMS with the plan; and
- g. annually reviewing and evaluating the plan.

2. After every event in which an AED is used, it is the responsibility of the educational facility to immediately replenish the AED supplies that were used and prepared the device to be ready for the next event.

3. Each elementary, middle, and high school shall register the education facility in the Bureau of EMS Information Management System

a. This registration shall include, but is not limited to, the following information, and is subject to the following and requirements:

- i. name and title of the individual(s) responsible for the maintenance and testing of the AED(s);
- ii. name and title of the individual(s) who have completed the training to utilize the AED(s);
- iii. location of all AED(s);
- iv. serial number/identification number of all AED(s);
- v. schedules and timeframes for required maintenance;
- vi. name of agency issuing training credentials, name of individuals completing the credentialing training, date of recommended renewal of training;
- vii. initial registration shall occur within 60 days of the effective date of this Subsection, and any change in or addition to required information shall be uploaded to the Bureau of EMS Information Management System within 30 days from the date of occurrence;
- viii. each elementary, middle, and high school shall have an AED on its premises in an easily accessible location; and
- ix. any elementary, middle, or high school that sponsors or hosts an interscholastic athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

F. Additional Requirements for Elementary, Middle, and High Schools, Effective until the Beginning of the 2024-2025 School Year

1. Each high school must have an AED on its premises, if funding is available, subject to appropriation.

G. Compliance and Enforcement

1. The BEMS shall inspect the premises in response to a complaint filed therewith that alleges a violation of R.S. 40:1137.3(D), R.S. 1137.3(E)(1)(a), or R.S. 40:1137.3(E)(2)(a) and specifies the name, address, and telephone number of the alleged violator. The BEMS may inspect facilities or premises at other times to ensure compliance therewith.

2. Violations of R.S. 40:1137.3(D), R.S. 40:1137.3(E)(1)(a), or R.S. 40:1137.3(E)(2)(a), may result in the assessment by BEMS of monetary penalties, on a per violation basis, as follows.

a. Voluntary Compliance Effort

i. The BEMS or its designee shall issue a written administrative warning without monetary penalty upon determining that an initial violation exists. The written notification of violation shall grant a 30-day grace period from the date the warning is received by the recipient.

b. Monetary penalties:

i. BEMS may impose monetary penalties in the amount of \$150 per violation per month upon determination that one or more violations continue to exist after the 30-day grace period has expired. A violation that exists for any portion of a month shall constitute an entire month;

ii. BEMS may impose monetary penalties in the amount of \$200 per violation per month upon determination that one or more violations continue to exist for more than six months following the expiration of the 30-day grace period. A violation that exists for any portion of a month shall constitute an entire month;

iii. if it determines that a violation has continued for more than six months following the expiration of the 30-day grace period, the BEMS or its designee may report said violation to the Louisiana attorney general's office or other governing authorities requesting issuance of further warning and/or the institution of judicial enforcement procedures; and

iv. the monetary civil penalties authorized by this Section shall be imposed by issuance to an alleged violator ("respondent") of a written notice of penalty imposition. Said notice shall include language advising the Respondent of the right to an administrative hearing concerning same, which right shall expire unless the respondent files, in the manner specified therein, a written request for an administrative hearing with BEMS within 20 calendar days of receipt of the notice. If such a written request is timely filed, then it shall be forwarded by BEMS to the Louisiana Division of Administrative Law.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2930 (November 2012), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 47:743 (June 2021), amended LR 49 (October 2023), LR 50:689 (May 2024).

Stephen R. Russo, JD  
Secretary

2405#055

**RULE**

**Department of Revenue  
Tax Policy and Planning Division**

**Partnership Filing Requirements  
(LAC 61:I.1402)**

Under the authority of R.S. 47:1511 and 201 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, has adopted LAC 61:I.1402 relative to partnership filing requirements.

Revised Statute 47:201 requires partnerships to file an annual informational return of income, unless otherwise provided. The purpose of the regulation is to implement Act 287 of the 2021 Regular Session of the Louisiana Legislature relative to partnership filing requirements.

The Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

**Title 61**

**REVENUE AND TAXATION**

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

**Chapter 14. Income: Partnerships**

**§1402. Partnership Filing Requirements**

**A. General Requirement**

1. Unless otherwise provided, all partnerships doing business or deriving Louisiana sourced income are required to file an informational partnership return of income with the Department of Revenue.

2. Partnerships subject to the filing requirement are required to file Form IT-565, *Partnership Return of Income*, and include all required schedules and attachments.

**B. Exceptions**

1. A partnership is exempt from filing a partnership return if any of the following are applicable:

a. The partnership’s gross receipts were less than \$250,000 and the partnership’s total assets at the end of the tax year were less than \$1 million.

i. For purposes of this Subparagraph, “gross receipts” means the sum of the amounts reportable as gross receipt or sales, ordinary income from other partnerships, estates, and trusts, net farm profit and other income on federal Form 1065 or successor form (Lines 1a, 4, 5 and 7 on the 2023 Form 1065); other gross rental income, interest income, ordinary dividends, royalties, and other income on Schedule K, Partners’ Distributive Share Items, of federal Form 1065 or successor form (Lines 3a, 5, 6a, 7, and 11 on the 2023 Form 1065, Schedule K); gross proceeds from short-term and long-term capital gains on federal Schedule D, Capital Gains and Losses or successor form; gross proceeds from sale of business property on federal Schedule 4797 or successor form; and total gross rents on federal Form 8825 or successor form, (Line 18a on the 2023), excluding any negative values.

ii. For purposes of this Subparagraph, “total assets” means amounts reportable as end of tax year total assets on Schedule L, Balance Sheet per Books of the federal Form 1065, or successor form (Line 14, column D on the 2023 Form 1065, Schedule L) without regard to location of assets, and excluding any negative values reported as assets

on the lines preceding of Schedule L (Lines 1 through 13 on the 2023 form).

b. The partnership is not required to file federal Form 1065 with the Internal Revenue Service.

c. The partnership elected to be taxed as a corporation and files Form CIFT 620 with the Department of Revenue.

d. A partnership qualifying for any exception under this Paragraph must complete Form IT-565, *Partnership Return of Income*, when necessary, for the purpose of providing all partners with the information necessary to file all required income tax returns with the Department of Revenue.

2. Notwithstanding Paragraph 1, a partnership shall file a state partnership return regardless of any applicable exception, when any of the following apply.

a. The partnership is required to attach Schedule 6922, *Louisiana Composite Partnership*, to Form IT-565.

b. The partnership has partners or related parties with an approved pass-through entity election on file with the Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:691 (May 2024).

Richard Nelson  
Secretary

2405#054

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Charter Boat and Head Boat Saltwater Finfish  
On-Water Possession Limits  
(LAC 76:VII.207)**

The Wildlife and Fisheries Commission has adopted a Rule (LAC 76:VII.207) to establish on-water possession limits for certain saltwater finfish while on a multi-day charter boat or head boat fishing trip. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a) which allows the Commission to promulgate rules and regulations for time, place, size, quota, daily take or possession limits that supersede existing limits set by law, and R.S. 56:325.1 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 2. General Provisions**

**§207. Saltwater Finfish On-Water Possession Limits**

**While on a Multi-Day Charter Boat Fishing Trip**

A. A recreational saltwater fisherman in possession of a valid basic and saltwater license or an equivalent license that grants both basic fishing and saltwater fishing privileges may possess up to three times the daily bag limit for red drum and spotted seatrout when the fisherman can provide a receipt from the licensed charter guide showing payment and

dates of the multi-day charter trip, can demonstrate to the satisfaction of the department that the fisherman has been on a multi-day charter fishing trip, and can demonstrate that the fisherman has been actively on the water or at a remote camp that can be accessed only by water for two days or more. The fish shall be kept whole or whole gutted in separate bags for each species of fish. The bags shall be marked with the date the fish were taken, the species, the number of fish contained in the bag, and the name and license number of the person taking the fish. The fish shall only be in the possession of the person who took the fish. Fishermen who meet the provisions of this Section may possess more than the daily bag limit on the water for purposes of transportation, however, no fisherman shall be actively fishing or engaged in fishing while in possession of more than the daily bag limit.

B. No charter guide and/or deckhand may keep any limit of red drum or spotted seatrout when operating or conducting trips subject to the provisions outlined herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), and R.S. 56:325.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:691 (May 20024).

Madison D. Shehan  
Secretary

2405#012

## RULE

### Workforce Commission Office of Workers' Compensation Administration

Medical Treatment Guidelines  
(LAC 40:I.2007, 2021, 2113)

The Workforce Commission has amended certain portions of the *Louisiana Administrative Code*, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 20 and Chapter 21 regarding medical treatment guidelines. The purpose of this amendment is to update the medical treatment guidelines in accordance to a reoccurring maintenance schedule and add consistency throughout the guidelines. This 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. This Rule is hereby adopted on the day of promulgation.

#### Title 40

#### LABOR AND EMPLOYMENT

#### Part I. Workers' Compensation Administration

#### Subpart 2. Medical Guidelines

#### Chapter 20. Spine Medical Treatment Guidelines

#### Subchapter A. Cervical Spine Injury

Editor's Note: Form LWC-WC 1009. Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

#### §2007. Follow-Up Diagnostic Imaging and Testing Procedures

A. - C.2.c.iii. ...

d. Provocation Discography

i. Description. Discography is not recommended for use in the cervical spine.

3. - 3.e.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1634 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1121 (June 2014), LR 49:517 (March 2023), LR 50:692 (May 2024).

#### Subchapter B. Low Back Pain

#### §2021. Therapeutic Procedures—Non-Operative

A. - H.3.d.ii. ...

iii. Timing/Frequency/Duration

(a). Frequency and optimum duration: two to three injections per year. If the first injection does not provide a diagnostic response of temporary and sustained pain relief substantiated by accepted pain scales, (i.e., 50 percent pain reduction substantiated by tools such as VAS), and improvement in function, similar injections should not be repeated. At least six weeks of functional benefit should be obtained with each therapeutic injection. If there is a 50 percent reduction in pain that lasts less than six weeks, the injection can be considered as part of the series of two injections used for the purpose of confirming the sacroiliac pain generator prior to sacroiliac fusion.

(b). ...

e. - i.i. ...

j. Basivertebral Nerve Ablation (BVN). This procedure is approved for a subgroup of chronic low back pain patients who have vertebrogenic-related symptomology.

i. Procedure is indicated if all of the following are met:

(a). Main symptom is low back pain, has had chronic low back pain for a minimum of 6 months, and patient is mature skeletally;

(b). Despite attempts at nonsurgical management, the patient has failed to satisfactorily improve; and

(c). Type 1 (hypointensity) or Type 2 (hyperintensity) Modic changes are reported at the endplates that are the suspected pain generators by the reading radiologist and/or treating physician. If MRI is contraindicated in the patient, a CT/SPET merge with increased uptake at the suspected endplate is acceptable.

ii. Procedure is not indicated if any of the following occurs:

(a). Patients has implantable pulse generators (pacemakers, defibrillators) or other electronic implants unless specific precautions are taken to maintain safety;

(b). Active systemic infection or spine infection;

(c). Severe cardiac or pulmonary compromise;

(d). Lumbar radiculopathy or radicular pain due to neurocompression (for example, HNP, stenosis), neurogenic claudication, as primary symptoms;

(e). Metabolic bone disease (for example, osteoporosis), trauma/compression fracture or spinal cancer, treatment of spine fragility fracture; or

(f). Evidence on imaging implies another cause for the patient's low back pain symptoms, including but not limited to degenerative scoliosis or facet arthropathy or effusion with clinically suspected facet joint pain, disc herniation, segmental instability, lumbar stenosis.

(g). Prior basivertebral denervation at the suspected level.

4. - 14.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1664 (June 2011), amended by the Louisiana Workforce Commission, Office of Workers Compensation, LR 40:1140 (June 2014), LR 46:1452 (September 2020), LR 49:520 (March 2023), LR 50:692 (May 2024).

## **Chapter 21. Pain Medical Treatment Guidelines**

### **Subchapter A. Chronic Pain Disorder Medical**

#### **Treatment Guidelines**

Editor's Note: Form LWC-WC 1009. Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

### **§2113. Therapeutic Procedures—Operative**

A. - A.7. ...

8. Peripheral Nerve Stimulation—This modality should only be employed with a clear nerve injury or when the majority of pain is clearly in a nerve distribution in patients who have completed six months of other appropriate therapy including the same pre-trial psychosocial evaluation and treatment as are recommended for spinal cord stimulation. A screening trial should take place over three to seven days and is considered successful if the patient meets both of the following criteria:

a. experiences a 50 percent decrease in pain, which may be confirmed by Visual Analogue Scale (VAS) or Numerical Rating Scale (NRS); and

b. demonstrates objective functional gains or decreased utilization of pain medications. It may be used for proven occipital, ulnar, median, and other isolated nerve injuries.

9. - 9.f. ...

10. Dorsal Nerve Root Resection: This procedure is not recommended. There exists the possibility of complications including unintended extensive nerve damage causing significant motor or sensibility changes from larger than anticipated lesioning of the ganglia at the dorsal ganglia level. For radio-frequency ablation refer to Radio Frequency Ablation—Dorsal Nerve Root Ganglion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1711 (June 2011), amended LR 46:246 (February 2020), repromulgated LR 46:397 (March 2020), LR 50:693 (May 2024).

Susana Schowen  
Secretary

2405#048

# Notices of Intent

## NOTICE OF INTENT

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

Continuing Education  
(LAC 46:LXXXV.400, 403, 405, 409,  
411, 413, 800, 811, 812, 1200, and 1227)

Editor's Note: This Notice of Intent is being republished to correct a manifest, typographical error. The original document can be viewed on pages 412-417 of the March 20, 2024 edition of the *Louisiana Register*.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board ("Board") of Veterinary Medicine proposes to amend LAC 46:LXXXV.400, 403, 405, 409, 411, 413, 800, 811, 812, 1200, and 1227 regarding continuing veterinary education requirements for Doctor of Veterinary Medicine (DVM), Registered Veterinary Technician (RVT) and Certified Animal Euthanasia Technician (CAET) licensees and certificate holders to better define online participation for continuing education hours in §§400, 800 and 1200. Additional amendments to these sections have been made to provide greater uniformity and clarity to the continuing education language for DVMs, RVTs, and CAETs. This Rule is adopted on the date of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 4. Continuing Education

#### §400. Definitions

*Active Status*—a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

*Contact Participation*—physical attendance at seminars, lectures, conferences, or workshops.

*Continuing Veterinary Education*—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. A continuing veterinary education program accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board, shall be accepted as units or hours of continuing education; however, all other programs and/or their participants, including in-house programs, shall be required to obtain pre-approval from the board in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively.

*Continuing Veterinary Education Units*—units of measure approved by the board for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

*Inactive Status*—a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana.

*Online Participation*—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and
3. interactive or "live" audio or video presentations or webinars in real-time available via the internet.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:648 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 37:1152 (April 2011), LR 38:1592 (July 2012), LR 50:

#### §403. Continuing Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license; however, a maximum of 10 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.400.

B. A continuing veterinary education program accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board; however, any other programs and/or their participants, including in-house programs, shall be submitted to the board for pre-approval of the units or hours of continuing education in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively;

C. The 20-hour requirement for annual renewal of a license may be taken in any combination of the following board-approved programs regarding subject matter content: clinical, alternative, regulatory, practice management, and/or research; however, online participation hours are limited to the 10-hour maximum set forth in Subsection A.2 of this Section.

D.1. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- a. the DVM's full name;
- b. the name of the course/program;
- c. the name of the sponsor and/or presenter;
- d. the date(s) of attendance;
- e. the total number of hours completed;
- f. the delivery method; and
- g. the specific subject matter completed.

2. All completed proof of attendance must be submitted to the board by September 30.

E. All hours shall be obtained in the 12 months preceding the renewal period of the license. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late and shall require payment of a late fee and possible fine as set forth in §411.B. Hours submitted late, if accepted by the board in accordance with §413.D, cannot be applied to other renewal periods.

F. Employment at an accredited school or college of veterinary medicine will not be accepted in lieu of completion of the required continuing education hours.

G. Presenters of approved continuing education programs may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

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

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:649 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:587 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§405. Exceptions and Exemptions**

A. The board may grant an extension of no more than 90 days for extenuating circumstances. The licensee requesting the extension must petition the board at least 30 days prior to the September 30 license expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension. The board may also assess a late fee and/or fine as a result of granting the extension of time pursuant to §411.B.

B. Exemptions from these continuing veterinary education requirements may be made for persons in the following categories:

1. disabled licensees for whom completion of the continuing veterinary education requirements represents undue hardship. A request for a disability exemption must be documented by submitting a physician's statement of total disability without probability of return to practice for the annual renewal period. The documentation must be submitted annually in each renewal period;

2. a licensee who submits an affidavit of retirement for inactive status as provided by the board is entitled to a waiver of continuing veterinary education if he has reached the age of 65 years, or he submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period:

a. once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing veterinary education hours for the past years at issue, as well as the current year;

b. a request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement;

c. once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations; and

d. a request for reinstatement shall be made in writing for review and consideration by the board;

3. licensees on active military duty. An affidavit, or other sworn document from the licensee's commanding officer must be submitted annually in each renewal period.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§409. Approved Continuing Education Programs**

A. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana licensed veterinarians as follows.

1. All units or hours from contact participation and online participation programs as defined in LAC 46:LXXXV.400 listed on the pre-approved list of the board shall be accepted, as well as all units or hours from contact participation and online participation and online participation from programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

2. ...

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. An in-house continuing veterinary education program may be approved by the board if such program's subject matter content complies with the board's rules, and the program is open by invitation/advertisement to interested veterinarians in general who are not associated with the in-house practice. The general requirements regarding continuing education, including timely submission for pre-approval of the program by the board, continue to apply.

5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:649

(April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§411. Fees**

A. Each license holder must fulfill his annual continuing veterinary education requirements at his own expense. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

B. A late fee of \$25 shall be paid for any late continuing education hours taken after the beginning of the renewal period. A fine of up to \$50 may also be levied for non-compliance with these rules.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### **§413. Non-Compliance**

A. - B. ...

C. Failure to submit all satisfactory proof of attendance for continuing veterinary education hours by the September 30 deadline pursuant to §403 or §403 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

D. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 license expiration date may be granted by petitioning the board in accordance with §405.A.

E. A licensee who fails to obtain the required minimum of 20 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing veterinary education requirements. Thereafter, a licensee may apply for renewal of his expired license; however, he shall be unable to lawfully practice veterinary medicine with an expired license and may be subject to disciplinary action by the board, until such time as all requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

F. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010 - June 30, 2011) for the 2011-2012 annual license renewal and every annual license renewal period thereafter.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:320 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

## **Chapter 8. Registered Veterinary Technicians**

### **§800. Definitions**

*Contact Participation*—physical attendance at seminars, lectures, conferences, or workshops.

*Online Participation*—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and
3. interactive or “live” audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§811. Certificate Renewal and Late Charges**

A. - C. ...

D. - G. Repealed.

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), amended LR 23:1686 (December 1997), LR 26:84 (January 2000), LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### **§812. Continuing Education**

A. Basic Requirements

1. A minimum of 10 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 5 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.800. An RVT who fails to obtain a minimum of 10 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the RVT's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each RVT must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Employment at an accredited school or college will not be accepted in lieu of completion of the required continuing education hours.

6. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana registered veterinary technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a registered veterinary technician. Those continuing education programs not timely submitted in accordance with Subsection F below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested registered veterinary technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A.2 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The RVT requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. An RVT who fails to obtain the required minimum of ten approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any RVT who does not timely and properly comply with the annual continuing education requirements. Thereafter, an RVT may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of an RVT and may be subject to disciplinary action by the board, until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

## **Chapter 12. Certified Animal Euthanasia Technicians §1200. Definitions**

A. All definitions used in this chapter shall have the meaning assigned to them in R.S. 37:1552. In addition, the following definitions shall be applied.

*Certified Animal Euthanasia Technician*—a person who is instructed in a board approved program in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills, and who has been issued a certificate by the board. Only a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board may legally perform pre-euthanasia chemical restraint and/or chemical euthanasia. Pre-euthanasia chemical restraint and/or chemical euthanasia cannot be delegated to another person who is not a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board.

*Contact Participation*—physical attendance at seminars, lectures, conferences, or workshops.

*Full Certification*—a certificate of approval granted to an applicant who has fulfilled all requirements of this Chapter. Such certificates shall expire annually. The certificate shall entitle the CAET to perform pre-euthanasia chemical restraint and/or chemical euthanasia only at the facility site of the certificate holder's employment, which may include an animal control shelter's mobile vehicle, and only one certificate shall be issued to a certificate holder at any one time.

*Lead Certified Animal Euthanasia Technician or Lead CAET*—a CAET who also meets the requirements of R.S. 37:1552(4). There shall be only one Lead CAET per animal control shelter or facility.

*Online Participation*—mediums regarded as online participation include:

- a. pre-recorded, self-test audio or video presentations with third-party grading;
- b. non-interactive audio or video presentations in real-time available via the internet; and
- c. interactive or "live" audio or video presentations or webinars in real-time available via the internet.

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), amended LR 26:317 (February 2000), LR 38:357 (February 2012), LR 40:309 (February 2014), amended by

the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

### §1227. Continuing Education

#### A. Basic Requirements

1. A minimum of 6 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 3 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.1200. An CAET who fails to obtain a minimum of 6 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the CAET's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each CAET must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana certified animal euthanasia technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education with the subject matter content properly addressing the duties of a certified animal euthanasia technician. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a certified animal euthanasia technician. Those continuing education programs not timely submitted in accordance with Subsection C below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are

accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested certified animal euthanasia technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The CAET requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. A CAET who fails to obtain the required minimum of 6 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any CAET who does not timely and properly comply with the annual continuing education requirements. Thereafter, a CAET may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of a CAET and may be subject to disciplinary action by the board, until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

D. ...

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 26:321 (February 2000), amended LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

#### 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 parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery. Comments will be accepted until 3 p.m. on Tuesday, April 9, 2024. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

#### **Public Hearing**

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery; however, such request must be received by no later than 3 p.m. on Tuesday, April 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1 p.m. on Wednesday, April 24, 2024 at 5825

Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/rulemaking-projects) on or after Wednesday, April 10, 2024. If a public hearing is to be held, all interested parties 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 front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Continuing Education**

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

There will be no costs or savings to state or local governmental units, except for the cost associated with publishing the proposed rule change, which is estimated at \$750 for each rule and included in the annual operating budget of the Board of Veterinary Medicine (Board).

The proposed rule change better defines online participation for continuing education hours and provides greater uniformity and clarity to the continuing education language for Doctors of Veterinary Medicine (DVM), Registered Veterinary Technicians (RVT), and Certified Animal Euthanasia Technicians (CAET).

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

The proposed rule change will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change has no impact on directly affected persons, small businesses, or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition or employment.

Jared B. Granier, MBA  
Executive Director  
2405#002

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Civil Service Board of Ethics**

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures to make amendments to the Rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and Section 1115.1C of the Code of Governmental Ethics.

**Title 52  
ETHICS**

**Part 1. Board of Ethics**

**Chapter 17. Code of Governmental Ethics**

**§1703. Food and Drink Limit**

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2024, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$79.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018).

**Family Impact Statement**

The proposed rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed rule changes have no known impact on poverty, as described in R.S. 49:973.

**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.

**Small Business Analysis**

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:956.6

**Public Comments**

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on June 10, 2024.

Kathleen M. Allen  
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Food and Drink Limit**

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

The proposed rule change is not anticipated to result in any cost or savings to the state or local government units, other than the cost to publish the Notice of Intent and the rule in the State Register. The proposed rule provides for raising the monetary limit on the receipt of food and drink by a public employee and public servant from seventy-seven (\$77) dollars to seventy-nine (\$79) dollars due to an increase in the unadjusted Consumer Price Index.

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

The proposed rule change has no anticipated effect on revenue collections of state or local governmental units.

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

The proposed rule change effects all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change has no anticipated effect on competition and employment.

Kristy Gary  
Deputy Ethics Administrator  
2405#047

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State Accountability System—Strength of Diploma Index (LAC 28:XI.709 and 3503)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The aforementioned revisions recommend point values for both work-based student internships and apprenticeships within the existing school and system accountability formula. The changes, effective beginning with the 2026 SPS, include the following: cohort member completing internship and work-based learning experience shall earn an additional 5 points; and cohort member completing a Fast Forward aligned apprenticeship shall earn an additional 10 points, up to a maximum of 160 points.

**Title 28**

**EDUCATION**

**Part XI. Accountability/Testing**

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

**Chapter 7. Graduation Cohort, Index, and Rule §709. Calculating a Strength of Diploma Index [Formerly §613]**

A. Beginning in 2017-2018 (2016-2017 cohort), points shall be assigned for each member of a cohort according to the following table.

Student Results	Points
High School Diploma plus Associate's Degree	160
High School Diploma plus: (a). AP score of 3 or higher; IB score of 4 or higher; or CLEP score of 50 or higher OR (b). Advanced statewide Jump Start credential *Students achieving both (a) and (b) will generate 160 points.	150

Student Results	Points
High School Diploma plus: (a). At least one passing course grade for TOPS core curriculum credit of the following type: AP**, college credit; dual enrollment; or IB** OR (b). Basic statewide Jump Start credential *Students achieving both (a) and (b) will generate 115 points. **Students must take the AP/IB exam and pass the course to earn 110 points	110
High School Diploma (includes Career Diploma student with a regional Jump Start credential)	100
HiSET plus Jump Start credential	40
HiSET	25
Non-graduate without HiSET	0

B. Beginning with the 2026 SPS, a cohort member completing an internship and work-based learning experience as defined in LAC 28: CXV.3113. (*Bulletin 741*) shall earn an additional 5 points, up to a maximum of 160 points. A cohort member completing a Fast Forward-aligned apprenticeship shall earn the same number of points as a cohort member with an Associate’s Degree.

1. - 2. Repealed.

C. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LEAP Connect shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

1. Starting with the graduating class of 2017-2018 (2019 SPS), only WIC-approved industry-based certifications (IBCs) will be included as basic statewide credentials.

2. A credential must be earned no later than August 31 following on-time graduation.

D. When related to awarding fifth-year graduate points, the enrollment must be continuous and consist of at least 45 calendar days only if the student graduates from an LEA different than the one to which the student was assigned in the fourth year.

E. To ensure the accuracy of data used to calculate the graduation index, the calculation shall lag one year behind the collection of the data. (The index earned by the graduating class of 2012 will be used for 2013 accountability calculations.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:448 (April 2021), LR 49:43 (January 2023), LR 49:645 (April 2023), LR 50:

**§3503. Alternative Schools Including Alternative Charter Schools [Formerly LAC 28:LXXXIII.3503]**

A. - D.8.c. ...

\* \* \*

d. Beginning in 2023-2024 (2022-2023 cohort) and beyond, points shall be assigned for each member of a cohort in accordance with LAC 28: XI.709 of this Part.

i. Students that begin the year in the eleventh grade and exit as a twelfth grader with a diploma and/or credential based on the table above will be included in both the numerator and denominator.

8.e. - 9. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021), LR 49:242 (February 2023), LR 50:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System Strength of Diploma Index**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change recommends point values for both work-based student internships and apprenticeships within the existing school and system accountability formula. The revisions, effective beginning with the 2026 School Performance Score (SPS), include the following: cohort member completing internship and work-based learning experience shall earn an additional 5 points; and cohort member completing a Fast Forward aligned apprenticeship shall earn an additional 10 points, up to a maximum of 160 points. The proposed change is intended to incentivize the provision of work-based learning experiences in alignment with

workforce needs to better prepare students for success after high school.

**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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2405#037

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 126—Charter Schools  
Charter Application Approval Cycle  
(LAC 28:CXXXIX.511)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. The proposed changes allow for a continuous charter application cycle to increase accessibility and flexibility for potential charter applicants. By approving a continuous cycle, qualified eligible applicants may submit applications throughout the year, rather than being constrained to a single submission period. The flexibility would accommodate the varying timelines and readiness of different applicants and allow for a more responsive approach, enabling applicants to apply when they are fully prepared.

**Title 28  
EDUCATION**

**Part CXXXIX. Bulletin 126—Charter Schools  
Chapter 5. Application and Approval Process for  
BESE-Authorized Charter Schools**

**§511. Application Process for BESE-Authorized  
Charter Schools**

A. - A.3. ...

4. The department may extend approval cycles, provide for additional cycles, or establish a continuous cycle for the submission of type 2, type 4, and type 5 charter school applications, and shall notify BESE of any such changes.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:233 (February 2018), LR 47:571 (May 2021), LR 50:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Bulletin 126—Charter Schools Charter Application Approval Cycle**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change allows for a continuous charter application cycle and is intended to increase accessibility and flexibility for potential charter applicants. By approving a continuous cycle, qualified eligible applicants may submit applications throughout the year, rather than being constrained to a single submission period. The flexibility would accommodate the varying timelines and readiness of different applicants and allow for a more responsive approach, enabling applicants to apply when they are fully prepared.
- 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change. The change will increase accessibility and expand the application timeline for charter applicants rather than confining applicants to a single submission schedule.
- 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  
2405#038

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 135—Health and Safety  
Administration of Emergency Medication  
(LAC 28:CLVII.305)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLVII in *Bulletin 135—Health and Safety*. Current policy requires an initial dose of a medication to be administered by the student’s parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions. The proposed revision allows for an exemption to this policy for emergency medications.

#### Title 28 EDUCATION

#### Part CLVII. Bulletin 135—Health and Safety

#### Chapter 3. Health

#### §305. Administration of Medication

A. - G.3. ...

4. Except in the case of emergency medication, the initial dose of a medication shall be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

A.5. - I.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.1 and R.S. 17:436.1(J).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Board of Nursing, LR 39:1030 (April 2013), amended LR 39:2193 (August 2013), LR 50:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable

provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 135—Health and Safety Administration of Emergency Medication

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change modifies current policy that requires an

initial dose of a medication to be administered by the student's parent/guardian outside a school's jurisdiction with sufficient time for observation for adverse reactions. The proposed change allows for an exemption to this policy for emergency medications.

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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2405#036

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Work-Based Learning  
(LAC 28: CXV.3113 and 3703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions address key areas regarding work-based learning to include the following: expands definition of work-based learning to include experiences such as Registered Apprenticeships; outlines the requirements of teacher certification; and clarifies the required classroom experience and on-the-job training (OJT) components.

#### Title 28

#### EDUCATION

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

#### Chapter 31. Career and Technical Education (CTE) §3113. Work-Based Learning

A. Work-based learning programs provide opportunities for CTE students to receive on-the-job training and related classroom instruction in all CTE program areas, including activities in which the school system employs students. Where the employing party is the school or school system, the work-based activities must not occur at their own school and the agreement shall be subject to the approval of LDOE. The following are types of work-based learning:

1. Cooperative education features an agreement between schools and employers to provide paid on-the-job training that relates to the areas of technical study in school and is based on objectives jointly developed by the school and the employer.

2. Internships are work-based activities where students work with an employer for a specified period of time to learn about a particular occupation or industry. The workplace activities involved with an internship could include special projects, a sample of tasks from different jobs, or tasks from a single occupation. An internship agreement is set up prior to the experience and outlines the expected objectives to be accomplished by the student. This must include financial compensation.

3. Structured On-the-Job Training (OJT) as part of a Registered Apprenticeship.

a. The OJT is the employment and hands-on experience portion of the program. The apprentice must receive full-time employment, with close mentorship from a subject matter expert or journey worker in the field. At least one journey worker must be present and supervising for every apprentice in the program at all times.

b. Only Registered Apprenticeships recognized by the Louisiana Workforce Commission (LWC) meet the requirements for Structured On-the-Job Training. Pre-Apprenticeships and Youth Apprenticeships are excluded.

B. Students must be scheduled into a work-based learning course code. OJT must comply with Louisiana state laws and can occur outside of the scheduled school day. Related classroom instruction can occur in a virtual setting.

C. Repealed.

D. A work-based learning teacher shall hold:

1. a valid CTTIE certificate or agriculture certification; or

2. a valid level 2 Louisiana teaching certificate and at least three years of work experience other than classroom instruction; or

3. a valid level 2 Louisiana teaching certificate and completion of a work-based learning workshop by an approved provider.

E. Scheduling Work-Based Learning

1. Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week of CTE related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of on-the-job training per week for the timeframe in which the student is enrolled in the cooperative education program. Program shall be a minimum of one semester for schools on block schedule or one school year. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision. Teacher-coordinators shall be scheduled for one cooperative education supervision period for up to 45 students. Teacher-coordinators with more than 45 students shall be scheduled for two cooperative education supervision periods.

2. Internships shall incorporate classroom instruction and on-the-job training. The classroom phase shall occur a minimum of once per week throughout the course. The classroom instruction and on-the-job training phase shall be a minimum of 7,965 minutes for one Carnegie unit. A student must complete a minimum of 106.2 hours of OJT with an employer in addition to 26.55 hours of classroom instruction. The classroom instruction shall count as no more than 20 percent of the instructional minutes of the total Carnegie unit. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision.

3. Structured OJT as part of a Registered Apprenticeship shall meet all requirements as set forth by LWC. Students should be registered into the appropriate apprenticeship registry.

4. Work-based learning must be documented in the student's Individual Graduation Plan (IGP). Work-based learning should align to the student's career interests. Every effort should be made to place a student at a worksite aligned to the student's career interest or aligned to regional workforce demand.

5. The classroom instruction shall include instruction in, at minimum, career navigation, financial literacy, and workplace behavioral competencies. Workplace and professional behavior competencies include communication, teamwork, leadership, and problem solving.

F. - F.1. Repealed.

#### G. Teacher-Coordinator for Work-Based Learning

1. The school system shall assign a work-based learning teacher-coordinator or set of teach-coordinator co-teachers to conduct the classroom instruction and monitor the OJT.

2. The school system and the employer shall cooperatively complete a training memorandum for both the classroom phase and the OJT phase. The training memorandum and a list of skill competencies shall be prepared for each student. The list of competencies shall include skills and knowledge to be learned in the classroom and skills to be learned through OJT. The school system and employers must discuss risk management in the training memorandum.

3. The student must have a valid employment certificate. The worksite must be in accordance with R.S. 23:211 et seq.

4. Each teacher-coordinator for work-based programs must maintain documentation of the employment certificate, training memorandum, skill competencies attained by each student, and employer evaluation. These documents must be readily available for monitoring.

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 four times during the school year or semester or two times during summer months in which the student is employed as part of a work based learning program.

6. The teacher-coordinator shall consult with the employer regarding labor laws for the industry and shall inform the student and parent or legal guardian of labor laws as they apply to minors engaged in work-based learning.

7. Orientation and pre-employment training, as well as safety training, shall be provided for each student prior to the student's placement with a program training sponsor (employer). The final decision of student placement into a work-based learning worksite is at the discretion of the employer.

8. It is recommended that funding for extended employment beyond the school year be provided for each teacher-coordinator.

9. The program training sponsor (employer) shall document and submit to the school system an evaluation of each student's on-the-job performance for each grading period.

10. The teacher-coordinator shall be responsible for determining the student's grade.

#### H. Work-Based Learning Students

1. Students shall be placed in appropriate training stations within four weeks of the start of the work-based learning program. Students not placed shall be rescheduled into non-work-based learning courses.

2. ...

3. Repealed

4. Students in work-based learning programs shall meet legal age requirements for work.

4.a. - 5. Repealed.

6. Work-based education students must successfully complete both the classroom and the on-the-job training phase to receive credit.

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:

### Chapter 37. Glossary

#### §3703. Definitions

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*Cooperative Education*—programs that provide opportunities for career and technical education students to receive on-the-job training and related classroom instruction.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:34 (January 2022), LR 49:648 (April 2023), LR 50:

#### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable

provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Work-Based Learning**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change addresses key areas regarding work-based

learning and includes the following: expands the definition of work-based learning to include experiences such as Registered Apprenticeships; outlines the requirements of teacher certification; and clarifies the required classroom experience and on-the-job training (OJT) components. Age requirements and minimum wage laws apply to any OJT positions. Students must be 14 years old to be legally employed and those under 16 years of age may only work outside of school hours. Students are to be paid the state minimum wage of \$7.25 or better. Communication with the Louisiana Workforce Commission, Career and Technical Education supervisors, and professionals in business and industry prompted the work to revise work-based learning policy for increased relevance and impact.

#### **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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change may result in economic benefits for students participating in work-based learning and for employers hiring students for work-based learning. This type of learning could also lead to employment after graduation that may offer better opportunities for students than they otherwise would have had.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change may help to ameliorate Louisiana's workforce issues by decreasing the unemployment rate and increasing the labor force participation rate.

Beth Scioneaux  
Deputy Superintendent  
2405#035

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State Certification of  
School Personnel—Mentor Teachers  
(LAC 28:CXXXI.515, 553, and 1369)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The proposed revisions, based on data obtained through an analysis of mentor and resident data for the 2023-2024 school year, allow the LDOE to continue granting case-by-case waivers of policy that requires all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the Mentor Teacher certificate or the Ancillary Provisional Mentor Teacher certificate. As with past waivers, educators who are highly recommended by the mentor's principal and who possess one or more of the specified qualifications could be awarded the waiver to serve as a mentor. The criteria include: two years of highly effective evaluations; National Board Certification; Statewide or national distinction for excellence in teaching; Experience as a TAP mentor, master teacher, executive master teacher, or certified TAP evaluator; Content

leader experience, as evidenced by participation in content leader training or redelivery of professional development; or Master’s or doctorate degree in education and exemplary experience hosting student teachers/residents. In addition to the above requirements, an individual mutually agreed upon by the school system and the teacher preparation program provider could serve as a mentor for up to two years, using the above waiver.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
Chapter 5. Teacher Credentials, Licenses, and  
Certifications**

**Subchapter A. Standard Teaching Certificates**

**§515. Practitioner Licenses**

A. - A.2. ...

3. Practitioner Licenses 1-3. Beginning with the 2020-2021 academic year, in order to obtain the first renewal only of a practitioner license 1, 2, or 3 certificate, practitioner candidates participating in a residency as a teacher of record, must receive mentorship by a school system-based mentor teacher who may collaborate with other personnel providing mentoring support, in accordance with LAC 28:XLV (Bulletin 996).

a. The school system-based mentor teacher must be credentialed in accordance with §553 or §1369 of this Chapter.

A.3.b. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1 – 8.2 and R.S. 17:6, 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:2555 (October 2022), LR 49:39 (January 2023), LR 50:26 (January 2024), LR 50:

**Subchapter C. Ancillary Teaching Certificates**

**§553. Mentor Teacher (MT) Ancillary Certificate**

A. ...

B. Provisional MT Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, valid for a period of two years from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

C. - E.9. ...

10. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

F. - F.2. ...

G. The requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the mentor teacher certification or the ancillary provisional mentor teacher certificate, may be waived with the following contingencies:

1. Mentor teacher waivers will be granted on an annual case-by-case basis through the application process established by the LDOE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDOE for educators highly recommended by the mentor’s principal and who possess one or more of the following qualifications:

- a. two years of highly effective evaluations;
- b. - f. ...

3. An individual mutually agreed upon by the LEA and the teacher preparation program provider who does not meet one of the waiver criteria listed in this Subsection may be approved for the waiver for a period of not more than two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022), amended LR 48:2099 (August 2022), LR 49:1375 (August 2023), LR 50:

**§1369. Mentor Teacher**

A. - G. ...

H. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the mentor certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), LR 50:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mentor Teachers**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The rule change enhances the flexibility provided to educator preparation programs in the identification of high-quality mentors for educator candidates. While obtaining the mentor certification is still the most objective method of certifying a standard level of competency among potential mentor teachers, the proposed waiver provision accounts for geographic and subject-area specifications needed to best support educator candidates. While there has been an increase

in the number of credentialed mentors in Louisiana, stakeholder engagement has revealed a need for continued and ongoing flexibility with resident placement. In the 2023-2024 school year, there are approximately 1,800 more credentialed mentors than the number needed; however, gaps in specific content areas and geographic regions continue to present placement barriers without a waiver provision.

**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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change may positively impact employment by supporting geographic flexibility in mentor placement.

Beth Scioneaux  
Deputy Superintendent  
2405#034

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 1903—Louisiana Handbook for Students with Dyslexia—General Provisions (LAC 28:XXXV.Chapter 1)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education proposes to amend LAC 28:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. The proposed revisions, developed in response to Act 266 of the 2023 Regular Legislative Session, set forth the following: update terms and definitions; add team member trained in identification of dyslexia during screening, assessment, and intervention planning; identify information and skilled staff to be included when reviewing a student case; clarify refusal to SBLC or pupil appraisal and required parent notification; and outline criteria for multisensory structured language and literacy programs.

**Title 28  
EDUCATION**

**Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia**

**Chapter 1. General Provisions**

**§101. Definitions**

*Accommodation*—strategies, tools, or adjustments to the educational environment that facilitate equal access to instruction and instructional content for students with disabilities. Accommodations do not alter the rigor, expectations, requirements, or content of the curriculum, learning task, or assessment measures.

*Assessment*—the act or systematic process of using a wide variety of methods or tools to evaluate, measure, and document the academic readiness, learning progress, skill

acquisition, or educational needs of students in order to improve student learning.

*At-Risk*—a classification of scores falling within a certain range on a screening measure that indicates a student may have difficulties with grade-level tasks and that additional, targeted instructional support is necessary.

\*\*\*

*Developmental Auditory Imperception*—Repealed.

*Dysgraphia*—Repealed.

*Dyslexia*—an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, the appreciation of the individual sounds of spoken and written language, which affects the ability of an individual to speak, read, and spell.

*Dysphasia*—Repealed.

*Evaluation*—the in-depth process, in accordance with LAC 28:CI, *Bulletin 1508*, used by qualified personnel in the review, examination, and interpretation of intervention efforts, test results, interviews, observations, and other assessment information to gather relevant functional, developmental, and academic information that may assist in determining whether a student has an exceptionality and the nature and extent of the special education and related services.

*Expressive Language*—the act of conveying information through writing, speaking, or gesturing.

*Fluency*—reading words at an adequate rate, with high levels of accuracy, rate, and with appropriate expression.

*Grapheme*—Repealed.

*IDEA*—Individuals with Disabilities Education Act (Public Law 105-17), also referred to as the special education statute. The federal regulation is designed to provide a free appropriate public education (FAPE) to eligible children with disabilities and ensure special education and related services to those children.

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*Phonemic Awareness*—the ability to hear and manipulate sounds in spoken words and understand that syllables can be divided into a sequence of phonemes, which is one aspect of the larger category of phonological awareness.

*Phonics*—method of instruction that teaches the systematic relationship between letter and letter combinations in written language and the individual sounds in spoken language and how to use these relationships to read and spell words.

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*Phonology*—the study of the speech sounds of a language and the underlying rules of usage.

*Rapid Automatic Naming (RAN)*—the ability to rapidly name visually presented stimuli such as colors, objects, numbers, and letters.

*Receptive Language*—the act of understanding information by listening, reading, or gesturing.

*Related Disorders*—Repealed.

*Screening*—a quick procedure designed to identify individuals who demonstrate a greater probability of having a specific condition and may receive supplemental intervention services or be referred for more in-depth assessment.

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*Semantics*—the study of word and phrase meanings.

*Syntax*—the study of how sentences are formed and of the grammatical rules that govern sentence formation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:722 (June 2021), repromulgated LR 47:1287 (September 2021), amended LR 50:

### §103. Local Education Agency (LEA) Responsibilities

A. When considering dyslexia, LEAs shall assign school personnel trained in the identification of dyslexia to oversee student screening, assessment, and evaluation for determination of program eligibility.

B. For students with dyslexia, LEAs shall implement an evidence-based multisensory structured language and literacy instructional approach with a program that includes instruction that utilizes all learning pathways in the brain, including visual/auditory and kinesthetic/tactile, simultaneously to enhance memory and learning. Instruction should be explicit, systematic, sequential, cumulative, individualized, and diagnostic and should include automaticity of performance, simultaneous multisensory activities, and synthetic analytic phonics and in accordance with state and federal requirements.

C. No later than December 15 annually, LEAs shall submit a report to the LDOE relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels:

1. identified as having dyslexia through a Section 504 plan;
2. initially identified as having dyslexia the previous year;
3. identified with an IEP as having a specific learning disability, dyslexia; and
4. total number identified as having dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1287 (September 2021), LR 49:245 (February 2023), repromulgated LR 49:851 (May 2023), amended LR 50:

### §105. School Level Responsibilities

A. School leaders shall select a School Building Level Committee (SBLC) composed of members knowledgeable of student data, assessment processes, and dyslexia to determine if a student is at-risk. SBLC members shall use information from teachers and parents or guardians, screening data, intervention data, performance based tasks, and/or written assignments indicating below grade-level performance deficits in basic reading skills to guide decision making.

B. SBLC members on committees reviewing data for a student who is identified as at-risk for reading difficulty, which includes indicators of dyslexia, shall include, but are not limited to:

1. ...
2. Repealed.
3. a speech-language pathologist, educational diagnostician, dyslexia practitioner, dyslexia therapist, and/or a person trained in the identification of dyslexia;
4. a principal or their designee; and

5. the referring teacher;
  6. a parent or guardian shall be an invited participant in discussions regarding their child's difficulties.
- C. ...
- D. Professional development shall be provided regarding the identification of dyslexia, state and federal regulations regarding dyslexia, the characteristics of dyslexia, and LEA policies for implementation of the assessment and program process.

E. Educator training shall include information necessary to implement specialized research-based, multi-sensory language instructional interventions and strategies for students with dyslexia.

F. Students identified with skills below grade level shall receive interventions and a reading improvement plan.

G. Screening Results. If screening results indicate that a student is at-risk for dyslexia,

- a. the parent or guardian shall be notified within thirty days of the results of the screening; and
- b. the school shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:

**§107. School Building Level Committee (SBLC) Responsibilities**

A. Request for SBLC review from a parent or educator or at-risk screening data shall initiate the preliminary gathering of data to assist in addressing the educational progress of a student who is consistently struggling or having difficulty attaining expected academic progress, despite receiving instruction in a high quality curriculum with the implementation of additional instructional intervention strategies within the framework of a multi-tiered system of support.

B. - C.4. ...

5. referral to pupil appraisal for support services;
6. return to regular classroom without further strategies or interventions.

D. The SBLC may repeat the review process should concerns regarding dyslexia or reading difficulties become evident or emerge at a later date.

E. Private evaluation results and documentation submitted by a parent or guardian must be reviewed by the SBLC which shall include at least one member trained in the identification of dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:

**§109. Screening Requirements**

A. In accordance with LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School Administrators*, all students enrolled in kindergarten through third grade shall be administered a universal early literacy screener three times per school year: within the first 30 days of the school year, in December, and in April. Screening results shall be used to

plan instruction and provide appropriate and timely intervention.

B. The early literacy screening instrument shall measure, at minimum, developmentally appropriate skills in:

1. phonological awareness,
2. phonics,
3. decoding,
4. fluency, and
5. comprehension.

C. - C.2. Repealed.

D. A universal early literacy screener score that indicates deficits, below grade level benchmarks, shall result in additional screening to include:

1. Kindergarten and fall semester of first grade students shall be screened in the following areas:

- a. phonological awareness including onset and rime, rhyming and syllable manipulation; and
- b. rapid automatic naming of colors, objects, and/or numbers.

2. spring semester of first grade through third grade students shall be screened in the following areas:

- a. phonological/phonemic awareness including blending, onset and rime, rhyming, syllable manipulation, and phoneme segmentation and manipulation;
- b. rapid automatic naming of colors, objects, and/or numbers;
- c. encoding skills using spontaneous spelling;
- d. oral and written language skills; and
- e. letter sound association.

E. Data from screenings should be used to make informed decisions about evidence-based interventions. Progress should be monitored frequently to determine the student's response to the targeted interventions and the rate of improvement. If a student continues to struggle with literacy skills, despite high-quality instruction using a multi-tiered system of supports, the student shall be referred for SBLC review.

F. Screening is not limited to students in kindergarten through third grade and may be administered at any grade level if a student exhibits impediments to a successful school experience or upon request of a teacher, parent, or guardian.

G. - H. ...

I. The IDEA Child Find mandate requires all school districts to proactively identify, locate, and evaluate all students who are suspected of having a disability. If a school system suspects that a student has a disability based on screening data, the LEA is obligated to evaluate the needs of the student. The use of screening measures and/or tiered interventions may not be used to delay or deny the evaluation of a student suspected of having a disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1 and 17:392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:

**§111. Multisensory Structured Language and Literacy Program Criteria**

A. A multisensory structured language and literacy program utilizes all the senses to enhance student memory and learning and shall consist of specific content components to include:

A.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1289 (September 2021), amended LR 50:

#### **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Kimberly Tripeaux  
Interim Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 1903—Louisiana Handbook for Students with Dyslexia—General Provisions**

- 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 rule change, made in response to Act 266 of the 2023 Regular Legislative Session, sets forth revisions regarding updated terms and definitions; adds a team member trained in identification of dyslexia during screening, assessment, and intervention planning; identifies information and skilled staff to be included when reviewing a student case; clarifies referral to a School Building Level Committee or pupil appraisal and required parent notification; and outlines criteria for multisensory structured language and literacy programs.
- 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2405#033

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Freshwater Ammonia Aquatic Life Criteria  
(LAC 33:IX.1105, 1113, 1115, and 1117)(WQ114)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1105, 1113, 1115, and 1117 (Log #WQ114).

This Rule will revise LAC 33:IX Chapter 11 of the Surface Water Quality Standards regulations to add freshwater ammonia criteria. LDEQ has the regulatory obligation to evaluate and adopt, where appropriate, federally recommended water quality criteria. See La. R.S. 30:2074(B)(1)(a). See also 40 C.F.R. § 131.20 and 40 C.F.R. § 131.22. This revision will adopt and clarify the applicability of freshwater ammonia criteria. This Rule will give the agency the necessary amount of time to complete adoption of freshwater ammonia criteria.

This Rule complies with the statutory law administered by LDEQ. See La. R.S. 30:2074(B)(1)(a). The basis and rationale for this proposed rule are to conform to Section 303 of the Clean Water Act and to maintain and protect state waters. In accordance with Section 304(a) of the Clean Water Act, the Environmental Protection Agency (EPA) publishes water quality criteria that accurately reflect the latest scientific knowledge. In 2013, EPA announced final nationally recommended criteria for the protection of aquatic life from the effects of ammonia in freshwater, and published the Section 304(a) document *Aquatic Life Ambient Water Quality Criteria for Ammonia - Freshwater* (see 78 FR 52192 and Docket Number EPA-822-R-18002). The nationally recommended criteria incorporates the latest scientific knowledge on the toxicity of ammonia to freshwater aquatic life. Elevated concentrations of ammonia in freshwater have a direct toxic effect on aquatic life, exacerbated by elevated pH and temperature. Many effluents must be treated in order to keep concentrations of ammonia in surface waters from being unacceptably high. Freshwater mussels belonging to Family Unionidae are the primary aquatic organisms sensitive to ammonia and such freshwater mussels are widely distributed in Louisiana. Criteria are expressed in the form of a formula, in which temperature and pH are input to calculate the ammonia criterion. There are criteria formulas for situations in which mussels are either present or absent for a given site and criteria formulas for acute and chronic effects of ammonia. To provide for both the protection of water quality when mussels are either absent or present, LDEQ proposes to adopt a performance-based approach. See 65 FR 24641, Docket Number FRL-6571-7. A performance-based approach relies on the adoption of a process rather than a specific outcome and does not require site-specific decisions to be codified in the regulations, so long as the process is transparent, predictable, and repeatable and also provides the opportunity for public participation. The process is described in proposed revisions to the Water Quality Management Plan, Volume 3:

Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards. See accompanying notice 2405Pot1. Based on this review of information, the agency determined adoption of the freshwater ammonia criteria is appropriate.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the Rule. These reports are published in the Potpourri section of the May 20, 2024, issue of the *Louisiana Register*.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part IX. Water Quality

#### Subpart 1. Water Pollution Control

### Chapter 11. Surface Water Quality Standards

#### §1105. Definitions

*1Q10 Flow*—the minimum 1-day average stream flow with a recurrence level of once every 10 years.

*30Q10 Flow*—the minimum 30-day average stream flow with a recurrence level of once every 10 years.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Divisions, LR 46:1545 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

#### §1113. Criteria

A. - C.6.f. ...

##### 7. Ammonia

a. Water quality criteria for ammonia are for the protection of aquatic life. Toxic effects of ammonia are dependent on pH and temperature. Ammonia is expressed in terms of total ammonia nitrogen (TAN), which includes its un-ionized (ammonia) and ionized (ammonium) fractions. TAN is measured in units of mg/L and referenced with Chemical Abstracts Service (CAS) Registry Number 7664-41-7.

i. Freshwater criteria for ammonia are structured on the presence or absence of freshwater mussels at a site, and are expressed as formulas for both acute and chronic criteria. The reason is because mussels siphon water to filter pollutants and heavy metals. Due to the ubiquity of freshwater mussels of the family Unionidae in Louisiana waters, applying the mussel-present criteria formulas are considered protective of aquatic life. The mussels-present formulas apply to all freshwater water bodies, except as provided below. If Unionidae mussels are absent when conducting a mussel survey, per approval from the LDEQ Secretary, appointed authority, or administrative authority, then mussels absent criteria formulas may be applied on a site-specific and/or water body basis.

- (a). Mussels Present
  - (i). Freshwater Acute Criterion

$$\text{mg (TAN)/L} = 0.7249 * \left( \frac{0.0114}{1 + 10^{0.204 - 2\text{pH}}} + \frac{1.6181}{1 + 10^{0.7204 - \text{pH}}} \right) * \text{MIN}(51.93, 23.12 * 10^{0.036 * (20 - T)})$$

- (ii). Freshwater Chronic Criterion

$$\text{mg (TAN)/L} = 0.8876 * \left( \frac{0.0278}{1 + 10^{0.333 - 2\text{pH}}} + \frac{1.1994}{1 + 10^{0.7204 - \text{pH}}} \right) * (2.126 * 10^{0.028 * (20 - \text{MAX}(T, 7))})$$

- (b). Mussels Absent
  - (i). Freshwater Acute Criterion

$$\text{mg (TAN)/L} = 0.7249 * \left( \frac{0.0114}{1 + 10^{0.204 - 2\text{pH}}} + \frac{1.6181}{1 + 10^{0.7204 - \text{pH}}} \right) * \text{MIN}(51.93, 62.15 * 10^{0.036 * (20 - T)})$$

- (ii). Freshwater Chronic Criterion

$$\text{mg (TAN)/L} = 0.8403 * \left( \frac{0.0278}{1 + 10^{0.333 - 2\text{pH}}} + \frac{1.1994}{1 + 10^{0.7204 - \text{pH}}} \right) * \text{MIN}(6.920, 7.347 * 10^{0.028 * (20 - \text{MAX}(T, 7))})$$

ii. Formula Calculations

(a). All formulas require data inputs for pH and temperature to calculate a criterion. The minimum and maximum pH values used for criteria calculation are 6.5 to 9.0. The minimum and maximum temperature values used for criteria calculation are 7°C to 30°C.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402

(December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1188 (September 2019), LR 46:1550 (November 2020), LR 48:1498 (June 2022), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§1115. Application of Standards**

A. - C.7.c. ...

d. For the application of ammonia aquatic life criteria, the following flows may be used.

i. Acute ammonia aquatic life criteria will be evaluated using the 1Q10 flow and the water body categorizations listed in Table 2a of this Section.

ii. Chronic ammonia aquatic life criteria will be evaluated using the 30Q10 flow and the water body categorizations listed in Table 2a of this Section.

8. - 13.f. ...

D. Ammonia Criteria Application

1. The application of the appropriate ammonia criteria formula in development of permit limitations will be determined using a performance-based approach as described in the state's Water Quality Management Plan (WQMP), Volume 3, Permitting Guidance Document for Implementing Surface Water Quality Standards, Appendix H. The mussel-present criteria formulas, as expressed in LAC 33:IX.1113.C.7.a.i.(a), will be the default formulas utilized in permit implementation. The mussels absent formulas, as expressed in LAC 33:IX.1113.C.7.a.i.(b), may be utilized in permit implementation after satisfactory completion of a mussels survey indicating no evidence of historical or current presence of mussels of the family Unionidae, and with approval from the administrative authority.

Table 2a. Water Body Categorization for the Determination of Appropriate Dilution and Mixing Zone Application for Aquatic Life				
C A T E G O R Y	Description	Aquatic Life		
		Flow	Fraction of Flow or Radial Distance (feet)	
			ZID <sup>a</sup>	MZ <sup>b</sup>
1	Streams with 7Q10 flow greater than 100 cfs <sup>c</sup>	7Q10	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	1/10	1
3	Tidal channels with flows greater than 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
4	Tidal channels with flows less than or equal to 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	1/10	1
5	Freshwater lakes and ponds	Not Applicable	25 feet	100 feet
6	Coastal bays and lakes	Not Applicable	50 feet	200 feet
7	Gulf of Mexico	Not Applicable	100 feet	400 feet

<sup>a</sup>ZID = zone of initial dilution

<sup>b</sup>MZ = mixing zone

<sup>c</sup>cfs = cubic feet per second

Table 2b. Water Body Categorization for the Determination of Flow for Human Health			
C A T G	Description	Human Health	
		Flow	
		Noncarcinogens	Carcinogens
1	Streams with 7Q10 flow greater than 100 cfs	7Q10	Harmonic Mean
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	Harmonic Mean
3	Tidal channel	The average or typical flow averaged over one tidal cycle irrespective of flow direction	
4	Freshwater lakes and ponds	Not Applicable	Not Applicable
5	Coastal bays and lakes	Not Applicable	Not Applicable
6	Gulf of Mexico	Not Applicable	Not Applicable

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1554 (November 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**§1117. References**

A. - A.16. ...

17. U.S. Environmental Protection Agency. April 2013. *Aquatic Life Ambient Water Quality Criteria for Ammonia-Freshwater 2013*. Office of Water. EPA 822-R-18002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:737 (May 2016), LR 50:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule may have an impact on small business as described in R.S. 49:974.1-974.8. Directly affected permittees may incur costs associated with monitoring, treatment of wastewater prior to discharge, and reporting.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ114. Such comments must be received no later than July 2, 2024, 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 this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ114. This regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2024%20>.

**Public Hearing**

A public hearing will be held on June 25, 2024, 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 via Zoom at <https://deqlouisiana.zoom.us/j/9373792954?omn=84655071922> or by telephone by dialing (636) 651-3182 using the code 725573. 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 regulation 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.

Aurelia S. Giacometto  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Freshwater Ammonia  
Aquatic Life Criteria**

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

There are no estimated implementation costs or savings to the state as a result of the proposed rule change. Local governments who operate a publicly owned treatment works may incur costs associated with monitoring, treatment of wastewater prior to discharge, and reporting. Although data is not available for every potentially affected facility, the Louisiana Department of Environmental Quality (LDEQ) has received information that indicates the costs for installing new treatment technology would be significant. Local governments may also be subject to additional testing costs to demonstrate compliance with ammonia-nitrogen limits.

The proposed rule change will revise Chapter 11 of the Water Quality regulations to add freshwater ammonia criteria recommended by the U.S. Environmental Protection Agency

(EPA) to protect aquatic species present in freshwater water bodies of Louisiana. The proposed rule changes will adopt and clarify the applicability of freshwater ammonia criteria.

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

The proposed rule change is not anticipated to have any impact on the revenues of state or local governmental units.

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

Directly affected permittees may incur costs associated with monitoring, treatment of wastewater prior to discharge, and reporting. LDEQ expects costs to be incurred by publicly and privately owned treatment works that discharge 100,000 gallons per day (GPD) of treated wastewater or more and some industrial facilities with a Louisiana Pollutant Discharge Elimination System (LPDES) permit. Although data is not available for every potentially affected facility, LDEQ has received information that indicates the costs for installing new treatment technology would be significant. Facilities may also be subject to additional testing costs to demonstrate compliance with ammonia-nitrogen limits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment related to this rule change.

Aurelia S. Giacometto  
Secretary  
2405#042

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Crime Victims Reparations Board**

**Compensation (LAC 22:XIII.301)**

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part XIII. Crime Victims Reparations Board**

**Chapter 1. Authority and Definitions**

**§103. Definitions**

A. ...

\* \* \*

*Healthcare Facility*—a facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center; ambulatory surgical or treatment center; skilled nursing facility; inpatient hospice facility; residential treatment center; diagnostic, laboratory, or imaging center; or rehabilitation or other therapeutic health setting.

*Healthcare Provider*—a physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 23:861 (July 1997), LR 24:327 (February 1998), LR 37:1605 (June 2011), LR 42:569 (April 2016), LR 50:

**Chapter 3 Eligibility and Application Process**

**§301. Eligibility**

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

i. The victim/claimant must process any potential insurance before applying for reimbursement of mental health claims.

ii. Repealed.

3. - 3.g. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 31:2009 (August 2005), LR 35:65 (January 2009), LR 36:2278 (October 2010), LR 37:1605 (June 2011), LR 41:1487 (August 2015), amended LR 44:2143 (December 2018), LR 47:364 (March 2021), LR 49:922 (May 2023), LR 50:

**§303. Application Process**

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

b. Repealed.

A.2.c. - 4. ...

5. All invoices, bills, etc. must indicate the victim/claimant as the guarantor and indicate balances owed. For claims that pertain to victims of sexually oriented criminal offenses, the victim has the discretion to choose whether or not to file for private insurance or Medicaid coverage.

A.6. - D.3. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended by the Office of the Governor, Crime Victims Reparations Board, LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016), LR 49:922 (May 2023), LR 50:

**Chapter 5. Awards**

**§501. Payments of Awards**

A. - C. ...

D. Repealed.

E. - F.4. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:1801 et seq.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), repromulgated LR 22:710 (August 1996), amended LR 24:328 (February 1998), LR 50:

**§503. Limits on Awards**

A. - D.8.f. ...

g. Nurse practitioner or physician assistant (under supervision of licensed physician)

D.9. - G.5. ...

6. Rates for Reimbursement

a. Physicians, psychiatrists, state-certified or state-licensed psychologists, licensed professional counselors, and board-certified social workers are eligible for

reimbursement. In addition, a provisionally licensed mental health provider, who is under the supervision of a licensed mental health provider, is eligible for reimbursement. The session notes submitted to the board for review must be signed by the supervising mental health provider.

b. - b.ii. ...

iii. All in-patient mental health service charges are reimbursed at the same session rate as out-patient mental health services, that is:

(a). Doctoral Level Providers (e.g. M.D. PhD., PsyD.), \$110/session).

(b). Master's Level Providers (e.g., L.P.C., L.C.S.W., L.M.F.T., P.L.P.C, P.L.C.S.W, P.L.M.F.T., D.S.W. ) \$90/session.

(c). Group Therapy rates (90 minutes)(\$50/session).

G.6.c. - I.1.6.a. ...

b. The rates for reimbursement shall be the same as authorized in §503 Limits on Awards G.6.b.

i. - iii. Repealed.

I.7. - N.4. ...

O. Crime Scene Cleanup

1. ...

2. Expenses submitted for cleaning the residential crime scene of the victim may not exceed \$2500.

3. - 3.c....

4. Expenses for crime scene cleanup cannot be used for:

a. repair of property damaged in the crime

b - c....

P. Loss of Support for Victim in Sexual Crimes

1. - 3. ...

Q. Relocation. Payment for relocation expenses is for those claimants who must relocate from their residence as a result of the crime committed at that location or immediate vicinity for reasons of imminent danger, personal safety, or threat of injury.

1. "Threat of injury" is:

a. where a victim/claimant is directly threatened and there is a reasonable probability that physical and/or emotional injury would result if the threat were carried out, and/or

b. a victim was within sight and range of proximity of a person brandishing a weapon or other dangerous instrument and who felt reasonably threatened for their own safety.

2. Reimbursement for relocation expenses is limited up to \$3,000 per household of the claimant.

3. A police/incident report must be submitted with the application to verify the basis for relocation.

4. The application for relocation must occur within 90 days of incident, violation of a protective order or the offender's release from confinement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR:37:1605 (June 2011), LR 39:1042 (April 2013), LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016), LR 44:270

(February 2018), LR 48:40 (January 2022), LR: 49:922(May 2023), LR:50:

### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it only clarifies the procedures for applying for reparations.

### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on: (1) the effect on household income, assets, and financial security; (2) the effect on early childhood development and preschool through post-secondary education development; (3) the effect on employment and workforce development; (4) the effect on taxes and tax credits; (5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on: (1) the effect of the staffing level requirement or qualifications required to provide the same level of service; (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or (3) the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments on this proposed rule no later than June 20, 2024, at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Judy Dupuy  
Chair

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Compensation

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

The net impact on expenditures with the proposed rule change is indeterminable. The rule change broadens what the Crime Victims Reparations Fund monies can be used for by the Louisiana Commission on Law Enforcement, while reducing the cap for reimbursable expenses for claims for relocation by victims. Broadening allowable expenses may lead to those funds being depleted more quickly by the Louisiana Commission on Law Enforcement.

In accordance with La. R.S. 46:1801 and 46:1807(B)(7) and Act 487 of the 2022 Regular Session, the Louisiana Commission on Law Enforcement proposes to amend Title 22 – Corrections, Criminal Justice, and Law Enforcement, Part

XIII – Crime Victims Reparations Board, Chapters 1, 3, and 5. Specifically, the amendments:

- provide a definition for healthcare facility; provide discretion to victims of sexually oriented criminal offenses to process an insurance claim via private insurance or Medicaid before applying for reimbursement of mental health claims;
- remove the ability of victims of sexual assault to assign their right to collect medical expenses associated with the sexual assault to a hospital/healthcare facility;
- require all invoices and bills indicating the victim or claimant as the guarantor to also include the balances owed;
- remove the exception for victims of a sexually oriented offenses to not be billed for costs associated with a forensic medical exam;
- repeal the provision whereby all checks to providers when paid at less than the full balance owing are marked “paid in full”;
- allow for reimbursement to provisionally licensed mental health providers who are under the supervision of a licensed mental health provider; clarify that expenses for cleaning a residential crime scene may not exceed \$2,500;
- clarify parameters for payment of relocation expenses and decreases the amount reimbursable for relocation expenses to \$3,000 (down from \$5,000).

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

The proposed rule change may increase federal grant awards beginning FY 25, to the extent that any additional funds are expended by LCLE out of the Crime Victims Reparations Fund. The amount of federal grant funding allotted annually to LCLE through the Office for Victims of Crime via the Victims of Crime Act is contingent upon the dollar amount of state funds the agency expends for crime victims in the preceding year. To the extent that the proposed rule change generates additional expenditures by LCLE, additional federal funding may be generated by LCLE in the next fiscal year.

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Jim Craft  
Executive Director  
2405#056

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Examiners of Nursing Home Administrators**

Pre-Examination Requirements: Conditions Precedent  
(LAC 46:XLIX.1103)

The Board of Examiners of Nursing Facility Administrators, pursuant to R.S. 37:2501 et seq., and in accordance with the Administrative Procedure Act, R.S.

49:950 et seq., hereby gives notice of its intent to amend this Rule to change the number of required continuing education units from 15 to 18. This change will make §1103 consistent with the requirements as noted in §903.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLIX. Nursing Facility Administrators**

**Chapter 11. Licenses**

**§1103. Registration of Licenses and Certificates**

A.1. - A.3. ...

B.1. Upon making an application for a new certificate of registration such licensee shall pay an annual registration fee as provided in Chapter 12 of this part and at the same time shall submit evidence satisfactory to the board that, during the annual period immediately preceding such application the registration, they have attended a continuing education program or course of study as provided in Chapter 9 of these rules and regulations. Unless prior approval is obtained, originals of the certificate(s) of attendance for 18 hours of approved continuing education shall be attached to the annual re-registration application.

B.2. - G. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.7:2504.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Examiners of Nursing Home Administrators, April 1970, amended and promulgated LR 9:461 (July 1983), repealed and repromulgated by the Department of Health and Hospitals, Board of Examiners of Nursing Home Administrators LR 18:181 (February 1992), amended LR 25:1627 (September 1999), LR 25:2407 (December 1999), repromulgated LR 26:82 (January 2000), LR 26:316 (February 2000), amended by the Board of Examiners of Nursing Facility Administrators, LR 37:594 (February 2011), repromulgated LR 37:887 (March 2011), amended LR 50:

**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 Rule until 4:30 p.m., June 10, 2024 by mail to Joseph E. Townsend, Executive Director at Louisiana Board of Examiners of Nursing Facility Administrators, 5647 Superior Drive, Baton Rouge, LA 70816-6049.

Joseph E. Townsend  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pre-Examination Requirements:  
Conditions Precedent**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
Other than the cost of rulemaking, which is approximately \$500 in FY 24 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.  
LAC 46 XLIX §903 currently requires licensed nursing facility administrators to complete a minimum of 18 hours of approved continuing education each year. The proposed rule change corrects LAC 46 XLIX §1103, which mistakenly states that “certificate(s) of attendance for 15 hours of approved continuing education shall be attached to the annual re-registration application.” The change updates “15” to “18” to reflect current board requirements and make the language consistent with §903.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule change will not result in any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule change will not have any effect on competition and employment.

Joseph E. Townsend  
Executive Director  
2405#004

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

**Inpatient Hospital Services  
High Medicaid Utilization Academic Hospitals  
(LAC 50:V.2201 and 2203)**

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 22 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 adopt provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for inpatient hospital services.

**Title 50  
PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part V. Hospital Services  
Subpart 1. Inpatient Hospital Services  
Chapter 22. High Medicaid Utilization Academic  
Hospitals**

**§2201. Qualifying Criteria**

A. In order to qualify as a high Medicaid utilization academic hospital effective for dates of service on or after July 1, 2024 the hospital shall meet the following criteria per the Medicare/Medicaid as filed cost report for their fiscal year ended in SFY 2023:

1. have a Medicaid inpatient utilization percent of at least 39 percent; and
2. have an approved graduate medical education program with at least 400 intern and resident full-time equivalents (FTEs). The intern and resident FTE count must be included on the Medicare/Medicaid cost report on worksheet E-4, line 6 plus worksheet E-3, Part II, line 6.

NOTE: Payments will not be processed and claims will not be recycled until the Rule is final.

B. Qualifying hospitals shall not add additional locations under their license, without prior written approval of the department.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:

**§2203. Reimbursement Methodology**

A. Reimbursement for inpatient hospital services to qualifying high Medicaid academic hospitals who meet all of the criteria in §2201 shall be reimbursed a prospective per diem rate of \$3,880.73 for acute inpatient hospital services including special care units. This rate is based on the allowable Medicaid cost determined from the latest filed Medicare/Medicaid cost report as of March 31, 2024. The prospective graduate medical education component included in this rate is \$271.12.

B. Reimbursement for inpatient hospital service for psychiatric services to qualifying high Medicaid academic hospitals who meet all of the criteria in §2201 shall be reimbursed a prospective per diem rate of \$1,705.76. This rate is based on the allowable Medicaid cost determined from the latest filed Medicare/Medicaid cost report as of March 31, 2024.

C. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §2201. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §2201 are no longer met.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:

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 no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the provider's ability to provide the same level of service as described in HCR 170, since it increases payments for services they already render.

#### **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 at 4:30 p.m. on July 1, 2024.

#### **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 June 10, 2024. 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

June 27, 2024 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 June 10, 2024. 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.

Ralph L. Abraham, M.D.  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Inpatient Hospital Services High Medicaid Utilization Academic Hospitals**

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$1,044,657 for FY 24-25, and \$4,018,742 for FY 25-26; however, these costs will be offset by an inter-agency transfer of funds. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule adopts provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for inpatient hospital services.

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

It is anticipated that implementation of this proposed rule will increase collections through inter-agency transfer of \$1,044,657 for FY 24-25 and \$4,018,742 for FY 25-26 and will increase federal revenue collections by approximately \$42,909,752 for FY 24-25 and \$51,433,516 for FY 25-26. It is anticipated that \$324 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule adopts provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for inpatient hospital services. Implementation of this proposed rule is anticipated to increase Medicaid payments to the qualifying hospital by approximately \$43,954,409 for FY 24-25 and \$55,452,257 for FY 25-26.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule increases the inpatient per diem rate to one hospital and may impact hospital directed payments in the future fiscal years.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2405#052

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Bureau of Health Services Financing

Outpatient Hospital Services  
High Medicaid Utilization Academic Hospitals  
(LAC 50:V.7701 and 7703)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 77 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 adopt provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for outpatient hospital services.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 5. Outpatient Hospital Services

### Chapter 77. High Medicaid Utilization Academic Hospitals

#### §7701. Qualifying Criteria

A. In order to qualify as a high Medicaid utilization academic hospital effective for dates of service on or after July 1, 2024 the hospital shall meet the following criteria per the Medicare/Medicaid as filed cost report for their fiscal year ended in SFY 2023:

1. have a Medicaid inpatient utilization percent of at least 39 percent; and

2. have an approved graduate medical education program with at least 400 intern and resident full time equivalents (FTEs). The intern and resident FTE count must be included on the Medicare/Medicaid cost report on worksheet E-4, line 6 plus worksheet E-3, Part II, line 6.

NOTE: Payments will not be processed and claims will not be recycled until the Rule is final.

B. Qualifying hospitals shall not add additional locations under their license, without prior written approval of the department.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:

#### §7703. Reimbursement Methodology

A. Reimbursement for outpatient hospital services to qualifying high Medicaid academic hospitals who meet all of the criteria in §7701 shall be made as follows:

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

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

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

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

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

B. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §7701. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §7701 are no longer met.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 50:

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

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana

Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the provider's ability to provide the same level of service as described in HCR 170, since it increases payments for services they already render.

#### 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 at 4:30 p.m. on July 1, 2024.

#### 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 June 10, 2024. 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 June 27, 2024 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 June 10, 2024. 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.

Ralph L. Abraham, M.D.  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Outpatient Hospital Services High Medicaid Utilization Academic Hospitals**

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$1,492,478 for FY 24-25, and \$3,004,467 for FY 25-26; however, these costs will be offset by an inter-agency transfer of funds. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule adopts provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for outpatient hospital services.

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

It is anticipated that implementation of this proposed rule will increase collections through inter-agency transfer of \$1,492,478 for FY 24-25 and \$3,004,467 for FY 25-26 and will increase federal revenue collections by approximately \$20,318,089 for FY 24-25 and \$24,346,933 for FY 25-26. It is anticipated \$324 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule adopts provisions governing qualifying criteria and reimbursement methodology for high Medicaid utilization academic hospitals to increase payments for outpatient hospital services. Implementation of this proposed rule is anticipated to increase Medicaid payments to the qualifying hospital by approximately \$21,810,567 for FY 24-25 and \$27,351,400 for FY 25-26.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule reimburses a higher percentage of cost to one hospital and may impact hospital directed payments in future fiscal years.

Kimberly Sullivan, JD  
Medicaid Executive Director  
2405#053

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health Office of Behavioral Health

#### Opioid Treatment Program Facility Need Review (LAC 48:I.Chapter 129)

The Department of Health, Office of Behavioral Health proposes to repeal LAC 48:I.Chapter 129 as authorized by R.S. 36:254, 40:2151 et seq., and 40:2116 et seq. 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 repeal the chapter governing the provisions relative to Opioid Treatment Program (OTP) need and application reviews in their entirety. Act 531 of the 2022 Regular Session of the Louisiana Legislature directed the department to revise the requirements governing the facility need review (FNR) process. Those revisions, as well as revised portions of the OTP need and application review process requirements of LAC 48:I.Chapter 129, were placed in LAC 48:I.Chapter 125, which was adopted on February 20, 2024.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 5. Health Planning

#### Chapter 129. Opioid Treatment Program (OTP) Need and Application Reviews

#### Subchapter A. General Provisions

#### §12901. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:521 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

#### §12903. General Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:522 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

### **Subchapter B. Determination of Need**

#### **§12905. Opioid Treatment Program Need Review**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:523 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

### **Subchapter C. Procedure for Selection of Opioid Treatment Program**

#### **§12907. Opioid Treatment Program Application Review**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:523 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

### **Subchapter D. Administrative Appeals**

#### **§12909. Appeal Procedures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:524 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

#### **§12911. Licensing and Certification Compliance**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:525 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

### **Subchapter E. Rescission of OTP Need Review**

#### **Application Approvals**

#### **§12913. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, LR 36:525 (March 2010), repealed by the Louisiana Department of Health, Office of Behavioral Health, LR 50:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that implementation of this proposed rule will result in minimal costs to potential OTP providers participating in the request for applications (RFA), which requires a \$200 nonrefundable application fee. New OTP providers that have never been licensed before will have to pay an additional \$600 licensing fee upon approval of the FNR committee.

#### **Public Comments**

Interested persons may submit written comments to Missy Graves, Office of Behavioral Health, P.O. Box 4049, Baton Rouge, LA 70821. Ms. Graves is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 10, 2024.

#### **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 June 10, 2024. 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 June 28, 2024 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 June 10, 2024. 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.

Ralph L. Abraham, M.D.  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Opioid Treatment Program Facility Need Review**

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

It is anticipated that implementation of this proposed rule will include the cost of promulgation for FY 24. It is anticipated that \$594 SGF will be expended for the state's administrative expense for promulgation of this proposed rule and the final rule.

The Office of Behavioral Health (OBH) proposes to repeal LAC 48:I.Chapter 129 in its entirety. Act 531 of the 2022 Regular Session directed the department to revise the requirements governing the facility need review (FNR) process. Those revisions, as well as revised portions of the Opioid Treatment Program need and application review process requirements of LAC 48:I.Chapter 129, were placed in LAC 48:I.Chapter 125, which was adopted on February 20, 2024.

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

It is anticipated that implementation of this proposed rule will have a minimal increase in revenue to the state, in which the Health Standards Section (HSS) within the Louisiana Department of Health (LDH) will collect \$200 from each initial application fee for the Facility Need Review (FNR) process of behavioral health providers offering opioid treatment services. New opioid treatment program (OTP) providers also have to pay a \$600 licensing fee upon selection by the FNR review committee. The amount of increased revenue is indeterminable; however, if there was one (1) provider applying to perform OTP services, HSS would collect at least \$200 SGR from application fees. To the extent the same provider is new to the system, HSS would collect an additional \$600 in licensing fees.

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

It is anticipated that implementation of this proposed rule will result in minimal costs to potential providers of OTPs participating in the request for applications (RFA), which requires a \$200 nonrefundable application fee. New OTP providers that have never been licensed before will have to pay an additional \$600 licensing fee upon approval of the FNR committee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Karen Stubbs Church  
Assistant Secretary  
2405#051

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

**Regulation 18—Non-Profit Funeral Service  
Associations, Reinstatement of Lapsed Policies  
(LAC 37:XIII.Chapter 65)**

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 18—Non-Profit Funeral Service Associations, Reinstatement of Lapsed Policies. The Department of Insurance is repealing Regulation 18 because R.S. 22:196 now provides current guidance regarding lapsed policies.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 65. Regulation 18—Non-Profit Funeral  
Service Associations, Reinstatement of  
Lapsed Policies**

**§6501. Policy Directive Number Five to Non-Profit  
Funeral Service Associations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, April 28, 1960, repealed LR 50:

**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](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., June 10, 2024.

Timothy J. Temple  
Commissioner

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Regulation 18—Non-Profit Funeral Service Associations, Reinstatement of Lapsed Policies

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

The proposed amended rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being repealed because La. R.S. 22:196 provides current guidance regarding lapsed policies.

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

The proposed amended rule will have no impact on state or local governmental revenues.

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

The proposed repeal of the rule will have no costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed repeal to the rule does not affect competition and employment in the state.

Lance Herrin  
Deputy Commissioner  
2405#022

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Insurance Office of the Commissioner

#### Regulation 85—Valuation of Life Insurance Policies (LAC 37:XIII.Chapter 109)

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 85.

The purpose of the amendment to Regulation 85 is to incorporate changes to the general calculation requirements for basic reserves and premium deficiency reserves that were made to NAIC Model Regulation #830.

#### Title 37

#### INSURANCE

#### Part XIII. Regulations

#### Chapter 109. Regulation Number 85—Valuation of Life Insurance Policies

#### §10909. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves

A. - B.3.a. ...

b. X is such that, when using the valuation interest rate used for basic reserves, Clause i is greater than or equal to Clause ii:

i. the actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

ii. the actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

c. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;

d. the appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of Paragraph B.3;

e. the appointed actuary may decrease X at any valuation date as long as X continues to meet all the requirements of Paragraph B.3; and

f. the appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums;

g. if X is less than 100 percent at any duration for any policy, the following requirements shall be met:

i. the appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in

conformance with the requirements of §2111 of Regulation 47;

ii. The appointed actuary shall disclose, in the Regulatory Asset Adequacy Issues Summary, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods; and

iii. the appointed actuary shall annually opine for all policies subject to this regulation as to whether the mortality rates resulting from the application of X meet the requirements of Paragraph B.3. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience;

B.4. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2552 (October 2005), amended LR 50:

#### **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., June 10, 2024.

Timothy J. Temple  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Regulation 85  
Valuation of Life Insurance Policies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed amended rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to incorporate changes to the general calculation requirements for basic reserves and premium deficiency reserves that were made in the NAIC Model Regulation #830.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule changes will have no impact on state or local governmental revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed amended rule will have no impact on economic costs or benefits to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule changes will have no impact upon competition and employment in the state.

Lance Herrin  
Deputy Commissioner  
2405#021

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT  
Department of Insurance  
Office of the Commissioner**

**Regulation 89—Suitability in Annuity Transactions  
(LAC 37:XIII.Chapter 117)**

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 89—Suitability in Annuity Transactions. The purpose of the amendments to Regulation 89 is to implement the provisions of Act No. 73 of the 2023 Regular Session and to adopt changes made to date to the National Association of Insurance Commissioners' Suitability in Annuity Transactions Model Regulation.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 117. Regulation Number 89—Suitability in  
Annuity Transactions**

**§11701. Purpose**

A. The purpose of this regulation is to require producers, as defined in this regulation, to act in the best interest of the consumer when making a sale or recommendation of an annuity and to require insurers to establish and maintain a system to supervise annuity recommendations and sales so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed.

B. Nothing herein shall be construed to create or imply a private cause of action for a violation of this regulation or to subject a producer to civil liability under the best interest standard of care outlined in §11711 or under standards governing the conduct of a fiduciary or a fiduciary relationship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:759 (June 2019), amended LR 50:

**§11703. Scope**

A. This regulation shall apply to any sale or recommendation of an annuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:759 (June 2019), amended LR 50:

**§11705. Authority**

A. This regulation is promulgated under the authority of R.S. 22:11, R.S. 22:919, and R.S. 22:1576(B)(10).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:759 (June 2019), amended LR 50:

**§11707. Exemptions**

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

c. a government or church plan defined in Section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax-exempt organization under Section 457 of the IRC; or

d. ...

3. settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

4. formal prepaid funeral contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:759 (June 2019), amended LR 50:

### §11709. Definitions

*Annuity*—an annuity that is an insurance product under state law that is individually solicited, whether the product is classified as an individual or group annuity.

*Cash Compensation*—any discount, concession fee, service fee, commission, sales charge, loan, override, or cash benefit received by a producer in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer.

*Consumer Profile Information*—information that is reasonably appropriate to determine whether a recommendation addresses the consumer’s financial situation, insurance needs, and financial objectives, including, at a minimum, the following:

1. age;
2. annual income;
3. financial situation and needs, including debts and other obligations;
4. financial experience;
5. insurance needs;
6. financial objectives;
7. intended use of the annuity;
8. financial time horizon;
9. existing assets or financial products, including investment, annuity, and insurance holdings;
10. liquidity needs;
11. liquid net worth;
12. risk tolerance, including, but not limited to, willingness to accept non-guaranteed elements in the annuity;
13. financial resources used to fund the annuity; and
14. tax status.

*Continuing Education Credit* or *CE credit*—continuing education credit as required by the Department.

*Continuing Education Provider* or *CE Provider*—an individual or entity that is approved to offer continuing education courses pursuant to Regulation 89.

*Department*—The Louisiana Department of Insurance.

*FINRA*—the Financial Industry Regulatory Authority or a succeeding agency.

*Insurer*—a company required to be licensed under the laws of this state to provide insurance products, including annuities.

*Intermediary*—an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer’s annuities by producers.

*Material Conflict of Interest*—a financial interest of the producer in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation. *Material Conflict of Interest* does not include cash compensation or non-cash compensation.

*Non-Cash Compensation*—any form of compensation that is not cash compensation, including, but not limited to, health insurance, office rent, office support, and retirement benefits.

*Non-Guaranteed Elements*—the premiums, credited interest rates (including any bonus), benefits, values, dividends, non-interest-based credits, charges, or elements of formulas used to determine any of these, that are subject to

company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.

*Producer*—a person or entity required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, including annuities. For purposes of this regulation, *producer* includes an insurer where no producer is involved.

*Recommendation*—advice provided by a producer to an individual consumer that was intended to result or does result in a purchase, an exchange, or a replacement of an annuity in accordance with that advice. *Recommendation* does not include general communication to the public, generalized customer services assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material.

*Replacement*—a transaction in which an annuity is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer, whether or not a producer is involved, that by reason of the transaction, an existing annuity or other insurance policy has been or is to be any of the following:

1. lapsed, forfeited, surrendered, or partially surrendered, assigned to the replacing insurer, or otherwise terminated;
2. converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits, or other policy values;
3. amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;
4. reissued with any reduction in cash value; or
5. used in a financed purchase.

*SEC*—The United States Securities and Exchange Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:759 (June 2019), amended LR 50:

### §11711. Duties of Insurers and Producers

A. Best Interest Obligations. A producer, when making a sale or recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer’s or the insurer’s financial interest ahead of the consumer’s interest. A producer has acted in the best interest of the consumer if they have satisfied the following obligations regarding care, disclosure, conflict of interest and documentation:

I.a. Care Obligation. The producer, in making a sale or recommendation, shall exercise reasonable diligence, care, and skill to:

- i. know the consumer’s financial situation, insurance needs, and financial objectives;
- ii. understand the available recommendation options after making a reasonable inquiry into options available to the producer;
- iii. have a reasonable basis to believe the recommended option effectively addresses the consumer’s financial situation, insurance needs, and financial objectives

over the life of the product, as evaluated in light of the consumer profile information; and

iv. communicate the basis of the recommendation.

b. The requirements under Subparagraph a. of this Paragraph include making reasonable efforts to obtain consumer profile information from the consumer prior to the sale or recommendation of an annuity.

c. The requirements under Subparagraph a. of this Paragraph require a producer to consider the types of products the producer is authorized and licensed to recommend or sell that address the consumer's financial situation, insurance needs, and financial objectives. This does not require analysis or consideration of any products outside the authority and license of the producer or other possible alternative products or strategies available in the market at the time of the sale or recommendation. Producers shall be held to standards applicable to producers with similar authority and licensure.

d. The requirements under this Subsection do not create a fiduciary obligation or relationship and only create a regulatory obligation as established in this regulation.

e. The consumer profile information, characteristics of the insurer, and product costs, rates, benefits, and features are those factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs, and financial objectives, but the level of importance of each factor under the care obligation of this Paragraph may vary depending on the facts and circumstances of a particular case. However, each factor may not be considered in isolation.

f. The requirements under Subparagraph a. of this Paragraph include having a reasonable basis to believe the consumer would benefit from certain features of the annuity, such as annuitization, death or living benefit, or other insurance-related features.

g. The requirements under Subparagraph a. of this Paragraph apply to the particular annuity as a whole and the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders, and similar product enhancements, if any.

h. The requirements under Subparagraph a. of this Paragraph do not mean that the annuity with the lowest one-time or multiple occurrence compensation structure shall necessarily be recommended.

i. The requirements under Subparagraph a. of this Paragraph do not mean the producer has ongoing monitoring obligations under the care obligation under this Paragraph, although such an obligation may be separately owed under the terms of a fiduciary, consulting, investment advising, or financial planning agreement between the consumer and the producer.

j. In the case of an exchange or replacement of an annuity, the producer shall consider the whole transaction, which includes taking into consideration whether:

i. the consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits, such as death, living, or other contractual benefits, or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;

ii. the replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product; and

iii. the consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 60 months.

k. Nothing in this regulation should be construed to require a producer to obtain any license other than a producer license with the appropriate line of authority to sell, solicit, or negotiate insurance in this state, including but not limited to, any securities license, in order to fulfill the duties and obligations contained in this regulation; provided the producer does not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

## 2. Disclosure Obligation.

a. Prior to the recommendation or sale of an annuity, the producer shall prominently disclose to the consumer on a form substantially similar to Appendix A:

i. a description of the scope and terms of the relationship with the consumer and the role of the producer in the transaction;

ii. an affirmative statement on whether the producer is licensed and authorized to sell the following products:

- (a). fixed annuities;
- (b). fixed indexed annuities;
- (c). variable annuities;
- (d). life insurance;
- (e). mutual funds;
- (f). stocks and bonds; and
- (g). certificates of deposit;

iii. an affirmative statement describing the insurers the producer is authorized, contracted (or appointed), or otherwise able to sell insurance products for, using the following descriptions:

- (a). from one insurer;
- (b). from two or more insurers; or
- (c). from two or more insurers although primarily contracted with one insurer.

iv. a description of the sources and types of cash compensation and non-cash compensation to be received by the producer, including whether the producer is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary or other producer or by fee as a result of a contract for advice or consulting services; and

v. a notice of the consumer's right to request additional information regarding cash compensation described in Subparagraph b. of this Paragraph;

b. Upon request of the consumer or the consumer's designated representative, the producer shall disclose:

i. a reasonable estimate of the amount of cash compensation to be received by the producer, which may be stated as a range of amounts or percentages; and

ii. whether the cash compensation is a one-time or multiple occurrence amount, and if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages; and

c. Prior to or at the time of the recommendation or sale of an annuity, the producer shall have a reasonable basis to believe the consumer has been informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity, mortality and expense fees, investment advisory fees, any annual fees, potential charges for and features of riders or other options of the annuity, limitations on interest returns, potential changes in non-guaranteed elements of the annuity, insurance, and investment components and market risk.

3. Conflict of Interest Obligation. A producer shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.

4. Documentation Obligation. A producer shall at the time of recommendation or sale:

a. make a written record of any recommendation and the basis for the recommendation subject to this regulation;

b. obtain a consumer-signed statement on a form substantially similar to Appendix B documenting:

i. a customer's refusal to provide the consumer profile information, if any; and

ii. a customer's understanding of the ramifications of not providing his or her consumer profile information or providing insufficient consumer profile information; and

c. obtain a consumer-signed statement on a form substantially similar to Appendix C acknowledging the annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the producer's recommendation.

5. Application of the Best Interest Obligation. Any requirement applicable to a producer under this Subsection shall apply to every producer who has exercised material control or influence in the making of a sale or recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the producer has had any direct contact with the consumer. Activities such as providing or delivering marketing or educational materials, product wholesaling or other back-office product support, and general supervision of a producer do not, in and of themselves, constitute material control or influence.

#### B. Transactions Not Based on a Recommendation.

1. Except as provided under Paragraph 2, a producer shall have no obligation to a consumer under Paragraph A.1 related to any annuity transaction if:

a. no recommendation is made;

b. a recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer;

c. a consumer refuses to provide relevant consumer profile information and the annuity transaction is not recommended; or

d. a consumer decides to enter into an annuity transaction that is not based on a recommendation of the producer.

2. An insurer's issuance of an annuity subject to Paragraph 1 shall be reasonable under all circumstances actually known to the insurer at the time the annuity is issued.

#### C. Supervision System

1. Except as permitted under Subsection B., an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs and financial objectives based on the consumer's consumer profile information.

2. An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its producers' compliance with this regulation, including, but not limited to, the following:

a. the insurer shall establish and maintain reasonable procedures to inform its insurance producers of the requirements of this regulation and shall incorporate the requirements of this regulation into relevant producer training manuals;

b. the insurer shall establish and maintain standards for insurance producer product training and shall establish and maintain reasonable procedures to require its insurance producers to comply with the requirements of §11712.

c. the insurer shall provide product-specific training and training materials that explain all material features of its annuity products to its producers;

d. the insurer shall establish and maintain procedures for the review of each recommendation prior to issuance of an annuity that is designed to ensure there is a reasonable basis to determine that the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives. Such review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including, but not limited to, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;

e. the insurer shall establish and maintain reasonable procedures to detect recommendations that are not in compliance with Subsections A., B., D., and E. This may include but is not limited to, confirmation of the consumer's consumer profile information, systematic customer surveys, producer and consumer interviews, confirmation letters, producer statements or attestations, and programs of internal monitoring. Nothing in this Subparagraph prevents an insurer from complying with this Subparagraph by applying sampling procedures, or by confirming the consumer profile information or other required information under this Section after issuance or delivery of the annuity;

f. the insurer shall establish and maintain reasonable procedures to assess, prior to or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this Section;

g. the insurer shall establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information;

h. the insurer shall establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and non-cash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this

Subparagraph are not intended to prohibit the receipt of health insurance, office rent, office support, retirement benefits, or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time; and

i. the insurer shall annually provide a written report to senior management, including the senior manager responsible for audit functions, which details a review with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any.

3.a. Nothing in this Subsection restricts an insurer from contracting for performance of a function (including maintenance of procedures) required under this Subsection. An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to §11713 regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with Subparagraph b of this Paragraph.

b. An insurer's supervision system under this Subsection shall include supervision of contractual performance under this Subsection. This includes, but is not limited to, the following:

i. monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; and

ii. annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

4. An insurer is not required to include in its system of supervision:

a. a producer's recommendations to consumers of products other than the annuities offered by the insurer; or

b. consideration of or comparison to options available to the producer or compensation relating to those options other than annuities or other products offered by the insurer.

D. Prohibited Practices. Neither a producer nor an insurer shall dissuade, or attempt to dissuade, a consumer from:

1. truthfully responding to an insurer's request for confirmation of suitability information;

2. filing a complaint; or

3. cooperating with the investigation of a complaint.

E. Safe Harbor

1. Recommendations and sales of annuities made in compliance with comparable standards shall satisfy the requirements under this regulation. This Subsection applies to all recommendations and sales of annuities made by financial professionals in compliance with business rules, controls, and procedures that satisfy a comparable standard even if such standard would not otherwise apply to the product, sale, or recommendation at issue. However, nothing in this Subsection shall limit the insurance commissioner's ability to investigate and enforce the provisions of this regulation.

2. Nothing in Paragraph 1. shall limit the insurer's obligation to comply with §11711.C.1, although the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.

3. For Paragraph 1 to apply, an insurer shall:

a. monitor the relevant conduct of the financial professional seeking to rely on Paragraph 1. or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment adviser registered under federal or state securities laws using information collected in the normal course of an insurer's business; and

b. provide to the entity responsible for supervising the financial professional seeking to rely on Paragraph 1., such as the financial professional's broker-dealer or investment adviser registered under federal or state securities laws, information and reports that are reasonably appropriate to assist such entity to maintain its supervision system.

4. For purposes of this Subsection, "financial professional" means a producer that is regulated and acting as:

a. a broker-dealer registered under federal or state securities laws or a registered representative of a broker-dealer;

b. an investment adviser registered under federal or state securities laws or an investment adviser representative associated with the federal or state registered investment adviser; or

c. a plan fiduciary under Section 3(21) of ERISA or fiduciary under Section 4975(e)(3) of the IRC or any amendments or successor statutes thereto.

5. For purposes of this Subsection, "comparable standards" means:

a. with respect to broker-dealers and registered representatives of broker-dealers, applicable SEC and FINRA rules pertaining to best interest obligations and supervision of annuity recommendations and sales, including, but not limited to, regulation Best Interest and any amendments or successor regulations thereto;

b. with respect to investment advisers registered under federal or state securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on such investment advisers or investment adviser representatives by contract or under the Investment Advisers Act of 1940 or applicable state securities law, including, but not limited to, the Form ADV and interpretations; and

c. with respect to plan fiduciaries or fiduciaries, the duties, obligations, prohibitions, and all other requirements attendant to such status under ERISA or the IRC and any amendments or successor statutes thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:760 (June 2019), amended LR 50:

### **§11712. Producer Training**

A. A producer shall not solicit the sale of an annuity product unless the producer has adequate knowledge of the product to recommend the annuity and the producer is in compliance with the insurer's standards for product training. A producer may rely on insurer-provided product-specific training standards and materials to comply with this Section.

B.1.a. A producer who engages in the sale of annuity products shall complete a one-time, four-credit training

course approved by the Department and provided by a Department-approved education provider.

b. Producers who hold a life insurance line of authority on the effective date of this regulation and who desire to sell annuities shall complete the requirements of this Subsection within six months after the effective date of this regulation. Individuals who obtain a life insurance line of authority on or after the effective date of this regulation may not engage in the sale of annuities until the annuity training course required under this Subsection has been completed.

2. The minimum length of the training required under this Subsection shall be sufficient to qualify for at least four CE credits but may be longer.

3. The training required under this Subsection shall include information on the following topics:

- a. the types of annuities and various classifications of annuities;
- b. identification of the parties to an annuity;
- c. how product-specific annuity contract features affect consumers;
- d. the application of income taxation of qualified and non-qualified annuities;
- e. the primary uses of annuities; and
- f. appropriate standard of conduct, sales practices, replacement and disclosure requirements.

4. Providers of courses intended to comply with this Subsection shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional topics may be offered in conjunction with and in addition to the required outline.

5. A provider of an annuity training course intended to comply with this Subsection shall register as a CE provider in this state and comply with the rules and guidelines applicable to producer continuing education courses as set forth in this regulation.

6. A producer who has completed an annuity training course approved by the Department prior to the effective date of this regulation shall, within six months, complete either:

- a. a new four-credit training course approved by the Department after the effective date of this regulation; or
- b. an additional one-time, one-credit training course approved by the Department and provided by a Department-approved education provider on appropriate sales practices, replacement, and disclosure requirements under this regulation.

7. Annuity training courses may be conducted and completed by classroom or self-study methods in accordance with this regulation.

8. Providers of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with this regulation.

9. The satisfaction of the training requirements of another state that are substantially similar to the provisions of this Subsection shall be deemed to satisfy the training requirements of this Subsection in this state.

10. The satisfaction of the components of the training requirements of any course or courses with components substantially similar to the provisions of this Subsection shall be deemed to satisfy the training requirements of this Subsection in this state.

11. An insurer shall verify that a producer has completed the annuity training course required under this Subsection before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this Subsection by obtaining certificates of completion of the training course or obtaining reports provided by commissioner-sponsored database systems or vendors or from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

### **§11713. Compliance Mitigation; Penalties; Enforcement**

A. An insurer is responsible for compliance with this regulation. If a violation occurs, either because of the action or inaction of the insurer or its producer, the Department may order:

1. an insurer to take reasonably appropriate corrective action for any consumer harmed by a failure to comply with this regulation by the insurer, an entity contracted to perform the insurer's supervisory duties, or by the producer;
2. a general agency, independent agency, or producer to take reasonably appropriate corrective action for any consumer harmed by the producer's violation of this regulation; and
3. appropriate penalties and sanctions.

B. Any applicable penalty for a violation of this regulation may be reduced or eliminated if corrective action for the consumer was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:761 (June 2019), amended LR 50:

### **§11715. Recordkeeping**

A. Insurers, general agents, independent agencies and producers shall maintain or be able to make available to the commissioner records of the information collected from the consumer, disclosures made to the consumer, including summaries of oral disclosures, and other information used in making the recommendations that were the basis for insurance transactions for 5 years after the insurance transaction is completed by the insurer. An insurer is permitted, but shall not be required, to maintain documentation on behalf of a producer.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:761 (June 2019), amended LR 50:

**§11717. Severability**

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:2268 (December 2006), amended LR 45:761 (June 2019), amended LR 50:

**§11719. Effective Date**

A. Regulation 89, as amended, shall become effective upon final promulgation in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:761 (June 2019), amended LR 50:

**§11721. Appendices**

A. Insurance Agent (Producer) Disclosure for Annuities

**APPENDIX A  
INSURANCE AGENT (PRODUCER)  
DISCLOSURE FOR ANNUITIES**

Do Not Sign Unless You Have Read and Understand the Information in this Form

Date:

**INSURANCE AGENT (PRODUCER) INFORMATION  
("Me", "I", "My")**

First Name: Last Name:  
Business/Agency Name: Website:  
Business Mailing Address:  
Business Telephone Number:  
Email Address:  
National Producer Number in [state]:

**CUSTOMER INFORMATION ("You", "Your")**

First Name: Last Name:

**What Types of Products Can I Sell You?**

I am licensed to sell annuities to You in accordance with state law. If I recommend that You buy an annuity, it means I believe that it effectively meets Your financial situation, insurance needs, and financial objectives. Other financial products, such as life insurance or stocks, bonds, and mutual funds, also may meet Your needs.

I offer the following products:

- Fixed or Fixed Indexed Annuities
- Variable Annuities
- Life Insurance

I need a separate license to provide advice about or to sell non-insurance financial products. I have checked below any non-insurance financial products that I am licensed and authorized to provide advice about or to sell.

- Mutual Funds
- Stocks/Bonds
- Certificates of Deposits

**Whose Annuities Can I Sell to You?**

I am authorized to sell:

Annuities from Only One (1) Insurer	Annuities from Two or More Insurers
Annuities from Two or More Insurers although I primarily sell annuities from:	

**How I'm Paid for My Work:**

It's important for You to understand how I'm paid for My work. Depending on the particular annuity You purchase, I may be paid a commission or a fee. Commissions are generally paid to Me by the insurance company while fees are generally paid to Me by You. If You have questions about how I'm paid, please ask Me.

Depending on the particular annuity You buy, I will or may be paid cash compensation as follows:

Commission, which is usually paid by the insurance company or other sources. If other sources, describe:

Fees (such as a fixed amount, an hourly rate, or a percentage of your payment), are usually paid directly by the customer.

Other (Describe):

*If you have questions about the above compensation I will be paid for this transaction, please ask Me.*

I may also receive other indirect compensation resulting from this transaction (sometimes called "non-cash" compensation), such as health or retirement benefits, office rent and support, or other incentives from the insurance company or other sources.

*Drafting Note: This disclosure may be adapted to fit the particular business model of the producer. As an example, if the producer only receives commission or only receives a fee from the consumer, the disclosure may be refined to fit that particular situation. This form is intended to provide an example of how to communicate producer compensation, but compliance with the regulation may also be achieved with a more precise disclosure, including a written consulting, advising, or financial planning agreement.*

*Drafting Note: The acknowledgement and signature should be in immediate proximity to the disclosure language.*

By signing below, You acknowledge that You have read and understand the information provided to You in this document.

Customer Signature

Date

Agent (Producer) Signature

Date

**B. Consumer Refusal to Provide Information**

**APPENDIX B  
CONSUMER REFUSAL TO PROVIDE INFORMATION**

Do Not Sign Unless You Have Read and Understand the Information in this Form

Why are You being given this form?

You're buying a financial product – an annuity.

To recommend a product that effectively meets Your needs, objectives, and situation, the agent, broker, or company needs information about You, Your financial situation, insurance needs, and financial objectives.

If You sign this form, it means You have not given the agent, broker, or company some or all the information needed to decide if the annuity effectively meets Your needs, objectives, and situation. You may lose protections under the Insurance Code of [this state] if You sign this form or provide inaccurate information.

Statement of Purchaser:

I **REFUSE** to provide this information at this time.  
I have chosen to provide **LIMITED** information at this time.

Customer Signature

Date

### C. Consumer Decision to Purchase an Annuity Not Based on a Recommendation

#### **APPENDIX C Consumer Decision to Purchase an Annuity NOT Based on a Recommendation**

#### **Do Not Sign This Form Unless You Have Read and Understand It.**

**Why are You being given this form?** You are buying a financial product – an annuity.

To recommend a product that effectively meets Your needs, objectives, and situation, the agent, broker, or company has the responsibility to learn about You, Your financial situation, insurance needs, and financial objectives.

If You sign this form, it means You know that You're buying an annuity that was not recommended.

Statement of Purchaser:

I understand that I am buying an annuity, but the agent, broker, or company did not recommend that I buy it. If I buy it **without a recommendation**, I understand I may lose protections under the Insurance Code of [this state].

Customer Signature

Date

Agent/Producer Signature

Date

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:919, 22:1576, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended

regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore,

there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

### Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed 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 Philip Dominique, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., June 10, 2024.

Tim Temple  
Commissioner

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Regulation 89—Suitability in Annuity Transactions

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

The proposed amended rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to implement the provisions of Act No. 73 of the 2023 Regular Session and to adopt changes made to date to the National Association of Insurance Commissioners' Suitability in Annuity Transactions Model Regulation.

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

The proposed amended rule will have no impact on state or local governmental revenues.

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

The proposed amended rule shall protect insurers and consumers by providing for a best interest obligation when making a sale or recommendation of an annuity. The insurer and producer shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer's or insurer's financial interest ahead of the consumer's interest.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amended rule does not affect competition and employment in the state.

Chris Cerniauskas  
Chief of Staff  
2405#026

Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Insurance Office of the Commissioner

#### Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes (LAC 37:XIII.Chapter 197)

Editor's Note: This Notice of Intent is being republished to correct an error within the public comment period. The original Notice of Intent may be viewed in the April 20, 2024 edition of the *Louisiana Register* on pages 595-597.

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes. Regulation 129 defines the requirements to receive a surplus lines insurance refund or credit for taxes paid on gross premium received by the Louisiana Department of Insurance.

### Title 37

### INSURANCE

### Part XIII. Regulations

#### Chapter 197. Regulation Number 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes

#### §19701. Purpose

A. The purpose of this regulation is to define the requirements to receive a surplus line insurance refund for taxes paid on gross premium received by the Louisiana Department of Insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### §19703. Applicability and Scope

A. Regulation 129 shall apply to impositions of a tax of four and eighty-five one hundredths of one percent per annum on the gross premium without regard to the location of the covered property, risk, or exposure for all insurance placed through a Louisiana licensed surplus lines broker with a surplus lines insurer or other unauthorized insurer and for which Louisiana is the home state of the policyholder as defined in R.S. 22:46.

B. The refund or credit shall only apply to Louisiana licensed surplus lines brokers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### §19707. Authorization of Refunds or Credit

A. For the purpose of this Chapter, a refund or credit of gross premium taxes is authorized when there is a payment of tax when none was due.

B. The commissioner may make a refund or credit of each payment where it is determined that the payment was the result of an error, omission, or a mistake of fact of

consequence to the determination of the tax liability, whether on the part of the taxpayer or the commissioner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### **§19709. Prescription Period of Refund or Credits**

A. After three years from the 31st day of December of the year in which the tax became due or after one year from the date the tax was paid, whichever is the later, no refund or credit for a payment shall be made unless the commissioner has been notified of a claim for credit or refund by the taxpayer claiming such credit or refund before the expiration of said three-year or one-year period. The maximum amount which shall be refunded or credited shall be the amount paid within said three-year or one-year period.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR

#### **§19711. Effective Date**

A. This regulation shall become effective upon final publication in the Louisiana Register.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:439.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

#### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended and repealed 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 and repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended and repealed 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 and repealed 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 and repealed 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 and repealed 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 and repealed

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 and repealed 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 and repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended and repealed 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 and repealed 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 amended and repealed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended and repealed regulation 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 amended and repealed 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 and repealed 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 and repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended and repealed 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 and repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended and repealed 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 and repealed 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 and repealed regulation will have no effect.

#### Public Comments

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7851, or electronically at [regulations@ldi.la.gov](mailto:regulations@ldi.la.gov). Comments will be accepted through the close of business, 4:30 p.m., June 10, 2024.

Timothy J. Temple  
Commissioner

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 129—Surplus Lines Insurance Refund or Credit of Gross Premium Taxes

#### 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 changes will have no impact on state or local governmental revenues.

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

The proposed rule 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.

Chris Cerniauskas  
Chief of Staff  
2405#006

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Uniform Local Sales Tax Board

Authorization of Participation for Americans with Disabilities Act Compliance (LAC 72:I.Chapter 2)

Under the authority of R.S. 47:337.102 and 47:337.94, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Uniform Local Sales Tax Board gives notice that rulemaking procedures have been initiated to adopt LAC 72:I.Chapter 2.

Pursuant to Act 393 of the 2023 Regular Session of the Louisiana Legislature, which authorizes certain public bodies to allow members of the public and members of a public body who have a disability recognized by the Americans with Disabilities Act the ability to participate in meetings via teleconference or video conference.

#### Title 72

### UNIFORM LOCAL SALES TAX

#### Part I. General Provisions

#### Chapter 2. Open Meetings via Electronic Means

##### Policy

#### §201. Agency Eligibility

A. The Louisiana Uniform Local Sales Tax Board (LULSTB) meets the below criteria pursuant to R.S. 42:14, to be eligible to conduct open public meetings via electronic means:

1. LULSTB is a public body as contemplated by R.S. 42:14(E)(1), political subdivision of the state pursuant to R.S. 47:337.102(A) with rulemaking authority pursuant to R.S. 47:337.102(E) and R.S. 47:337.94;

2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;

3. conducts at least six regularly scheduled meetings in a calendar year; and

4. is not one of the agencies identified by R.S. 42:17.2(I), to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

#### §203. Postings Prior to Meeting via Electronic Means

A. No later than 24 hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the meeting via electronic means, the LULSTB shall post the meeting notice and agenda on the board's website, the Boards and Commissions website, and as otherwise required by law pursuant to R.S. 42:17.2(B). The notice will include:

1. detailed information for participants to submit comments regarding matters on the agenda via electronic means; and

2. applicable teleconference phone number and /or videoconference link.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

### **§205. Electronic Meeting Requirements and Limitations**

A. The LULSTB shall not conduct more than one-third of its regularly scheduled meetings in a calendar year via electronic means and will only conduct successive meetings via electronic meetings as reasonably needed.

B. The presiding officer shall be present and shall preside over the meeting at the anchor location. The anchor location shall be open to the public. Any member of the public body or the LULSTB shall be allowed to participate in person at the anchor location.

C. A schedule of meetings shall be posted on the board's website, and annually on the boards and commission website.

D. In an electronic meeting, board members of the LULSTB, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. The LULSTB shall identify and acknowledge all public comments inclusive of those received in person during the meeting and those received in writing or electronically before any submission deadline (if any) for the meeting and shall maintain those comments in its record of the meeting.

F. If the LULSTB is aware of a technical problem that causes the meeting to no longer be audible, or if applicable, visible and audible to the public the meeting shall be recessed until the problem is resolved. If the problem is not resolved within one hour, the meeting shall be adjourned, and the presiding officer shall make an effort to alert all participants to that fact.

G. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the board's website.

H. A member of the advisory committee who participates in a meeting via electronic means shall not be eligible to receive per diem for attending the meeting virtually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

### **§207. Disability Accommodations**

A. People with disabilities are defined as any of the following:

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

B. The public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number, and email address of the LULSTB representative to whom disability accommodation requests may be submitted.

C. Once the form has been returned to the LULSTB, the designated agency representative shall provide the requestor with reasonable accommodation, including the

teleconference phone number and/or video conference link, for participation via electronic means as soon as practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

### **§209. Board Participation**

A. LULSTB is a public body which has powers, duties, or functions that are not limited to a particular subdivision or region and that conducts 12 meetings per year.

B. A member of the board who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means as defined in R.S. 42:17.2.

C. A board member who has such a disability shall be counted towards the making of a quorum under R.S. 42:17.2.1(A).

D. A member of the board who has a disability recognized by the ADA is not limited in the number of meetings they may attend electronically.

E. A member of the board who participates in a meeting via electronic means shall not be eligible to or receive per diem for attending the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

### **§215. Uniform Electronic Local Return and Remittance Advisory Committee Participation**

A. The Uniform Electronic Local Return and Remittance Advisory Committee (UELRRAC) is an advisory board.

B. Meetings shall be called by the chair at a time and place to be selected by the chair, or at a time and place provided for upon the written request of three members under R.S. 47:337.23(B)(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2, R.S. 42:14, and R.S. 17.2.1.

HISTORICAL NOTE: Promulgated by Louisiana Uniform Local Sales Tax Board, LR 50:

#### **Family Impact Statement**

This Family Impact Statement is provided as required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature. Implementation of this 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 these proposed rules 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; or
6. the ability of the family or a local government to perform this function.

#### **Poverty Impact Statement**

The proposed Rule will have no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

It is anticipated that the proposed Rule 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 Rule 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**

Interested persons may submit written data, views, arguments, or comments regarding this proposed Notice of Intent to Dewanna Trask, Sales Tax Analyst by mail to 7722 Office Park Blvd, Suite 300, Baton Rouge, LA 70809. Written comments will be accepted until 4:30 p.m., June 10, 2024.

Clarence J. Lymon, CPA  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Authorization of Participation for Americans with Disabilities Act Compliance**

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

The purpose of this proposed rule is to implement the provisions of La. R.S. 42:14(E) and 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature. La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

There are no anticipated material costs or savings to state or local governmental units related to the implementation of the proposed rule. The Louisiana Uniform Local Sales Tax Board currently has the ability to offer participation in public meetings via electronic means, either through teleconference phone lines and/or existing videoconference accounts.

The board currently has sufficient funding to implement the proposed rule.

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

The proposed rule is not anticipated to have any effect on revenue collections of state or local government units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated impact on competition and employment.

Clarence J. Lymon, CPA  
Executive Director  
2405#007

Deborah Vivien  
Chief Economist  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Revenue Sales and Use Tax Commission for Remote Sellers**

Open Meetings via Electronic Means  
(LAC 61:III.2907, 2909, 2911 and 2913)

Under the authority of R.S. 42:14(E), 42:17.2 and 47:340, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Louisiana Sales and Use Tax Commission for Remote Sellers, proposes to adopt LAC 61:III.2907, 2909, 2911, and 2913 relative to Louisiana's open meetings law.

Act 393 of the 2023 Regular Session amended R.S. 42:17.2 of Louisiana's Open Meetings law to permit certain, eligible public bodies and agencies to conduct its open meetings via electronic means (e.g., videoconference or teleconference). Regardless of its eligibility status, agencies are required by R.S. 42:14(E) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. In order to implement such provisions, R.S. 42:14(E) requires agencies to promulgate rules in accordance with the Administrative Procedures Act. Therefore, the primary purpose of this proposed regulation is to promulgate rules as required by R.S. 42:14(E) and R.S. 42:17.2.

#### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part III. Administrative and Miscellaneous Provisions Chapter 29. Sales and Use Tax Commission for Remote Sellers**

#### **§2907. Agency Eligibility**

A. The Louisiana Sales and Use Tax Commission for Remote Sellers (LRSC) meets the below criteria pursuant to Act 393 of the 2023 Regular Session to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;
2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;
3. conducts at least six regularly scheduled meetings in a calendar year; and
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:17.2 and R.S. 47:340.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 50:

**§2909. Postings Prior to Meeting via Electronic Means**

A. At least 24 hours prior to the meeting, the LRSC shall post the following on the agency’s website at [remotesellers.louisiana.gov](http://remotesellers.louisiana.gov):

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
  - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
  - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 50:

**§2911. Electronic Meeting Requirements and Limitations**

A. For any meeting conducted via electronic means, the LRSC shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. The LRSC shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency’s website at [remotesellers.louisiana.gov](http://remotesellers.louisiana.gov) on an annual basis.

D. All members of the LRSC, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency’s website at [remotesellers.louisiana.gov](http://remotesellers.louisiana.gov).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers, LR 50:

**§2913. Disability Accommodations**

A. People with disabilities are defined as any of the following:

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

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

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

E. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Louisiana Sales and Use Tax Commission for Remote Sellers, LR 50:

**Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

**Poverty Statement**

This proposed Rule will have no foreseeable impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed 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 Renee Ellender Roberie, Executive Director, Louisiana Sales and Use Tax Commission for Remote Sellers by mail to 7722 Office Park Blvd., Suite 400, Baton Rouge, LA 70809. All comments must be received no later than 4 p.m., June 10, 2024.

Renee Ellender Roberie  
Executive Director

**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 proposed rule is not anticipated to result in any direct material effect on state or local governmental units. Implementation costs for the open meetings via electronic meetings created by this proposed agency rule are included in

the current budget for the Louisiana Sales and Use Tax Commission for Remote Sellers. The Commission currently uses electronic means for observation purposes for its meetings.

The purpose of the proposed rule is to implement the provisions of R.S. 42:14(E) and R.S. 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature.

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

There is no anticipated direct material effect on state or local revenues as a result of this measure.

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

The proposed rule has no anticipated costs/and or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment.

Renee Ellender Roberie  
Executive Director  
2405#011

Deborah Vivien  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**  
**Workforce Commission**  
**Plumbing Board**

ADA Accommodations (LAC 46:LV.509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Plumbing Board (board), hereby proposes to amend LAC 46:LV to outline ADA accommodations for board meetings. This adjustment will be effective upon final publication in the *Louisiana Register*.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part LV. Plumbers**

**Chapter 5. The Board**

**§509. ADA Accommodations**

A. Any member of the public with a disability recognized by the Americans with Disabilities Act (ADA) or a designated caregiver of such a person who would like to submit a request to participate in the open meeting portions of this board meeting is required to contact the board office to discuss viable alternative methods at least three days prior to the meeting. People with disabilities are defined as any of the following:

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

B. Viable alternative method to be utilized will be teleconference. If additional accommodations are required, such as a translator, the board will make every attempt to meet the requestor's needs utilizing resources available. If in the future the board has access to reliable internet

technology in their meeting room, the board will include participation by video as a method.

C. The written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted and shall be posted at least three days prior to the meeting.

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

E. A board member who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means and shall be counted in the quorum. This does not include electronic participation in any disciplinary hearings and/or adjudications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, State Plumbing Board, 1968, amended and promulgated by Department of Employment and Training, State Plumbing Board, LR 17:53 (January 1991), amended by the Workforce Commission, Plumbing Board, LR 50:43 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:

**Family Impact Statement**

The proposed amendment to LAC 46:508 and the adoption of this Rule should have no 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 propose rule has 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 local government to perform this function.

**Poverty Impact Statement**

The proposed amendment to LAC 46:508 should have no impact on poverty as described in R.S. 49:973.

**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 is not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Any interested person may submit written comments regarding the content of this proposed Rule change to Ashley Jones Tullier, Executive Director of the Board, 11304 Cloverdale Avenue, Baton Rouge, LA, no later than 5 p.m., June 10, 2024.

Ashley Jones Tullier  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Plumbers—ADA Accommodations**

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

The purpose of this proposed rule is to implement the provisions of La. R.S. 42:14(E) and 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature. La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

There are no anticipated material costs or savings to state or local governmental units related to the implementation of the proposed rule. The Louisiana State Plumbing Board currently holds a Zoom subscription to provide for electronic access to board meetings by individuals qualifying as Americans with Disabilities Act (ADA) qualified person (or their caretakers).

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

The proposed rule is not anticipated to have any impact on state or local revenue collections.

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

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the private or public sectors.

Julie Richard Spencer  
Board Attorney  
2405#020

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### APA Report on Proposed Rule: Freshwater Ammonia Aquatic Life Criteria

In accordance with Section 963 of Title 49 of the Louisiana Revised Statutes, the Department of Environmental Quality submits the following 49:963(B) report. (2405Pot2)

I. A Statement Identifying the Specific Risks being Addressed by the Policy, Standard, or Regulation and any Published, Peer-Reviewed Scientific Literature used by the Department to Characterize the Risks. [R.S. 49:963(B)(1)(A)]

Water quality standards are provisions of state or federal law, which consist of designated uses for surface waters and water quality criteria based upon the designated uses. Water quality standards are developed to protect public health and welfare, protect aquatic species, and enhance the overall quality of surface waters. Code of Federal Regulations, Part 40, Section 131.4 requires states to review, establish, and revise water quality standards. Code of Federal Regulations Part 40, Section 131.11 (a) requires that criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. Additionally, “States must review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting water quality or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use.”

In accordance with 40 CFR 131.11(b), states should establish numerical values based on (i) 304(a) Guidance; (ii) 304(a) guidance modified to reflect site-specific conditions; or (iii) other scientifically defensible methods. EPA initially published aquatic life criteria recommendations for ammonia in 1976, followed by a 1985 criteria revision, then a 1999 revision, each revision incorporating newer data and better models. The draft nationally recommended freshwater ammonia criteria were published on December 30, 2009, and provided the public an opportunity to comment and provide scientific views. Supporting and related material published by the EPA, and comments submitted by the public on the draft freshwater ammonia criteria are available in the EPA Docket Center and are identified by Docket ID No. EPA-HQ-OW-2009-0921 (<https://regulations.gov/docket/EPA-HQ-OW-2009-0921/document>). EPA evaluated the new data and information and incorporated acceptable data in the development of the final recommended freshwater ammonia criteria. See EPA 822-R-18-022, *Aquatic Life Ambient Water Quality Criteria for Ammonia-Freshwater*. On August 22,

2013, EPA published final nationally recommended ambient water quality criteria for the protection of aquatic life from the effects of ammonia in freshwater (78 FR 52192). The EPA’s final nationally recommended ambient water quality criteria incorporates the latest scientific knowledge on the toxicity of ammonia to freshwater aquatic life.

Elevated concentrations of ammonia in freshwater have a direct toxic effect on aquatic life, exacerbated by elevated pH and temperature. Many effluents must be treated in order to keep concentrations of ammonia in surface waters from being unacceptably high. Freshwater mussels belonging to Family Unionidae are the primary aquatic organisms sensitive to ammonia and such freshwater mussels are widely distributed in Louisiana. Criteria are expressed in the form of a formula, in which temperature and pH are input to calculate the ammonia criterion.

The magnitude of ammonia toxicity to aquatic life is highly dependent on the temperature and the pH of the ambient water body. Thus, EPA presents the 2013 nationally recommended freshwater ammonia criteria as formulas, including inputs for local pH and temperature data, as well as toxicity values for the most sensitive species. The final 2013 nationally recommended criteria formulas were adjusted to specifically include toxicity values for Unionid mussel species, for which data was not previously available. Unionid mussel species are prevalent in most of the Eastern United States, including Louisiana (<https://gbif.org/species/3461>). LDEQ is obligated to consider criteria that are protective of aquatic species that will result in enhancement of the overall quality of surface waters of the state.

II. A Comparative Analysis of the Risks Addressed by the Policy, Standard, or Regulation Relative to Other Risks of a Similar or Analogous Nature to which the Public is Routinely Exposed. [R.S. 49:963(B)(1)(B)].

No risks of a similar or analogous nature comparable to the toxic component of ammonia in surface waters could be identified. As compared to other toxic pollutants, the risk posed by ammonia is ubiquitous, as it is a common toxic pollutant discharged by all municipal treatment works (publicly and privately owned) and a large number of industry types, such as refineries, food processors, and fertilizer manufacturers. LDEQ’s universe of facilities with individual LPDES permits is approximately 1,200. Based upon facility type, LDEQ has identified approximately 500 sanitary treatment plants (publicly and privately owned), 18 major industrial and 130 minor industrial facilities, which have the potential to discharge significant concentrations of ammonia. Therefore, approximately 54 percent of the universe of individual LPDES permits have the potential to discharge ammonia at toxic levels to surface waters. No other toxic criteria adopted into LAC 33:IX, Chapter 11 (Louisiana Water Quality Standards) are as prevalent in wastewaters discharged into *Waters of the State*, as defined by LAC 33:IX.1105. Other pollutants that are commonly present in wastewater discharges, such as fecal coliform, biological oxygen-demanding pollutants and suspended

solids are not considered toxic in nature. Therefore, the risks addressed by proposed rule WQ114 cannot be compared to other risks of a similar or analogous nature.

III. An Analysis Based upon Published, Readily Available Peer-Reviewed Scientific Literature, Describing How the Proposed and Final Policy, Standard, or Regulation Will Advance the Purpose of Protecting Human Health or the Environment against the Specified Identified Risks. [R.S. 49:963(B)(1)(C)]

Ammonia concentration in effluent is currently reported by 384 facilities covered by individual LPDES permits. As stated in Section II, a larger number of facilities have the potential to discharge a significant concentration of ammonia in effluent. Discharge Monitoring Reports (DMRs) from LPDES permitted facilities between January 2016 and December 2021 included concentration values between 0.1 and 462 mg/L with an average value of 4.58 mg/L. The nationally recommended criteria, calculated using a temperature value of 20 degrees C and a pH of 7 results in a 1.9 mg/L (chronic, 30-day average) and a 17 mg/L (acute, 1-hour average) criteria. Surface waters in Louisiana are often higher in temperature and pH can vary widely among surface waters of the state. Calculations using temperature and pH from Louisiana's Water Quality Monitoring Network (<https://waterdata.deq.louisiana.gov/>) indicate that criteria values less than the nationally recommended criteria are often necessary to protect aquatic life. For example, utilizing the mussels present/salmonids absent formulas, an average temperature of 25 degrees C and pH value of 7.4, the resulting water quality criteria values are 1.1 mg/L (chronic, 30-day average) and 7.05 mg/L (acute, 1-hour average). According to the EPA nationally recommended freshwater ammonia criteria formulas, the higher the average temperature and pH, the lower the criteria. Average temperatures in Louisiana surface waters often exceed 25 degrees C and are sometimes as high as 27 degrees C. Utilizing the above-referenced DMR dataset approximately 41 percent of DMR values exceed 1.1 mg/L. Approximately 18 percent exceed of DMR values exceed 7.05 mg/L.

Taking into account the higher than average surface water temperatures and available DMR data, controlling ammonia discharges into surface waters from point sources becomes a necessity to meet the requirements of the Clean Water Act and the Code of Federal Regulations. As mentioned in Section I of this report, 40 CFR 131.11(a), states are required to review both water quality data and information on dischargers, and must adopt criteria for toxic pollutants that are sufficient to protect the designated use. Nearly all of LDEQ's delineated subsegments are assigned the designated use of Fish and Wildlife Propagation (FWP). Documented species of Unionid mussels are widespread throughout the state (<https://gbif.org/species/3461>). Adoption of appropriate freshwater ammonia criteria will provide protection for the aquatic life, as well as enhancing the overall water quality.

However, LDEQ recognizes that species survey data is not 100 percent complete across all state waters. Proposed rule WQ114 is proposing to adopt the mussels present criteria formulas, and the mussels absent criteria formulas which will be implemented in LPDES permits through a performance-based approach. A performance-based approach relies on the adoption of a process rather than a

specific outcome and does not require site-specific decisions to be codified in the regulations, so long as the process is transparent, predictable, repeatable and also provides the opportunity for the public participation. In conjunction with proposed Rule WQ114, LDEQ is proposing revisions to the *Water Quality Management Plan, Volume 3, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards*, which defines the process for implementing the mussels present or mussels absent criteria formulas in LPDES permits through a survey of the receiving water body to determine current and historical presence or absence of Unionid mussels. The inclusion of both sets of criteria formulas and the performance-based approach in LPDES permitting provides the required protection of all aquatic species in Louisiana.

IV. An Analysis and Statement that, Based on the Best Readily Available Data, the Proposed or Final Policy, Standard, or Regulation Presents the Most Cost-Effective Method Practically Achievable to Produce the Benefits Intended Regarding the Risks Identified in Subparagraph (A) of this Paragraph. [R.S. 49:963(B)(1)(D)]

Sections I-III of this report demonstrate the necessity and the requirement for LDEQ to adopt freshwater ammonia criteria that is protective of the designated use of Fish and Wildlife Propagation. The implementation of criteria into LPDES permits, meaning the development of Water Quality Based Effluent Limitations (WQBELs), is the key for the desired result of achieving water quality standards, while including the most cost-effective options to the regulated community for compliance with those standards. The presence of Unionid mussels and the criteria protective of those mussels yield the most stringent WQBELs, while the mussels absent formulas yield less stringent WQBELs. Utilizing the mussels present formulas, calculations of WQBELs completed for some facilities to date yield numbers that would require advanced treatment technology, a cost burden to the state's publicly and privately owned treatment works, landfills and some industries. The adoption of a performance-based approach allows a regulated entity or group of regulated entities within the same receiving stream or watershed to complete a survey, defining the presence or absence of Unionid mussel species. This method is allowed for by EPA guidance through *Flexibilities for States Applying EPA's Ammonia Criteria Recommendations* (April 2013, EPA-820-F-13-001) and the *Technical Support Document for Conducting and Reviewing Freshwater Mussel Occurrence Surveys for the Development of Site-specific WQC for Ammonia* (August 2013, EPA 800-R-13-003).

In addition to the performance-based approach, provisions for compliance schedules have been included in the proposed revisions to the *Water Quality Management Plan, Volume 3: Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards*. A standard, 3-year compliance schedule will be included in all reissued permits that include more stringent, water quality based ammonia limits. Extended compliance schedules (with no definite limit) may be granted on a case-by-case basis. Considerations for granting an extended compliance schedule include the time to identify and design upgrades to the facility, the time to secure funding, procure equipment and contractors, and the construction and start-up periods.

The combination of compliance schedules, the adoption of a performance-based approach in LPDES permits and accompanying implementation procedures will yield the most appropriate criteria, protective of the receiving water body, which may also prevent unnecessarily stringent WQBELs that will be a burden to the regulated community. The combination of criteria and implementation options is the most cost-effective method available to LDEQ and affected facilities, while maintaining compliance with all state and federal regulations, and achieving the ultimate goals of the Clean Water Act.

Based on the best readily available data, the proposed or final policy, standard, or regulation presents the most cost-effective method practically achievable to produce the benefits intended regarding the risks identified.

Aurelia S. Giacometto  
Secretary

2405#043

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### EQA Determination on Proposed Rule: Freshwater Ammonia Aquatic Life Criteria

In accordance with Section 2019 of Title 30 of the Revised Statutes, the Department of Environmental Quality submits the following 30:2019(D) determination. (2405Pot4)

#### **The Environmental and Public Health Benefits to be Derived from the Proposed Rule**

Water quality standards are provisions of state or federal law, which consist of designated uses for surface waters and water quality criteria based upon the designated uses. Water quality standards are developed to protect public health and welfare, protect aquatic species, and enhance the overall quality of surface waters. Code of Federal Regulations, Part 40, Section 131.4 requires states to review, establish, and revise water quality standards. Code of Federal Regulations Part 40, Section 131.11 (a) requires that criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. Additionally, "States must review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting water quality or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use."

In accordance with 40 CFR 131.11(b), states should establish numerical values based on (i) 304(a) Guidance; (ii) 304(a) guidance modified to reflect site-specific conditions; or (iii) other scientifically defensible methods. EPA initially published aquatic life criteria recommendations for ammonia in 1976, followed by a 1985 criteria revision, then a 1999 revision, each revision incorporating newer data and better models. The draft nationally recommended freshwater ammonia criteria were published on December 30, 2009, and provided the public an opportunity to comment and provide

scientific views. Supporting and related material published by the EPA, and comments submitted by the public on the draft freshwater ammonia criteria are available in the EPA Docket Center and are identified by Docket ID No. EPA-HQ-OW-2009-0921 (<https://regulations.gov/docket/EPA-HQ-OW-2009-0921/document>). EPA evaluated the new data and information and incorporated acceptable data in the development of the final recommended freshwater ammonia criteria. See EPA 822-R-18-022, *Aquatic Life Ambient Water Quality Criteria for Ammonia-Freshwater*. On August 22, 2013, EPA published final nationally recommended ambient water quality criteria for the protection of aquatic life from the effects of ammonia in freshwater (78 FR 52192). The EPA's final nationally recommended ambient water quality criteria incorporates the latest scientific knowledge on the toxicity of ammonia to freshwater aquatic life.

Elevated concentrations of ammonia in freshwater have a direct toxic effect on aquatic life, exacerbated by elevated pH and temperature. Many effluents must be treated in order to keep concentrations of ammonia in surface waters from being unacceptably high. Freshwater mussels belonging to Family Unionidae are the primary aquatic organisms sensitive to ammonia and such freshwater mussels are widely distributed in Louisiana. Criteria are expressed in the form of a formula, in which temperature and pH are input to calculate the ammonia criterion.

The magnitude of ammonia toxicity to aquatic life is highly dependent on the temperature and the pH of the ambient water body. Thus, EPA presents the 2013 nationally recommended freshwater ammonia criteria as formulas, including inputs for local pH and temperature data, as well as toxicity values for the most sensitive species. The final 2013 nationally recommended criteria formulas were adjusted to specifically include toxicity values for Unionid mussel species, for which data was not previously available. Unionid mussel species are prevalent in most of the Eastern United States, including Louisiana (<https://gbif.org/species/3461>). LDEQ is obligated to consider criteria that are protective of aquatic species that will result in enhancement of the overall quality of surface waters of the state.

#### **Explanation of the Data, Assumptions, and Methods Used**

Ammonia concentration in effluent is currently reported by 384 facilities covered by individual LPDES permits. A larger number of facilities have the potential to discharge a significant concentration of ammonia in effluent. Discharge Monitoring Reports (DMRs) from LPDES permitted facilities between January 2016 and December 2021 included concentration values between 0.1 and 462 mg/L with an average value of 4.58 mg/L. The nationally recommended criteria, calculated using a temperature value of 20 degrees C and a pH of 7 results in a 1.9 mg/L (chronic, 30-day average) and a 17 mg/L (acute, 1-hour average) criteria. Surface waters in Louisiana are often higher in temperature and pH can vary widely among surface waters of the state. Calculations using temperature and pH from Louisiana's Water Quality Monitoring Network (<https://waterdata.deq.louisiana.gov/>) indicate that criteria values less than the nationally recommended criteria are often necessary to protect aquatic life. For example, utilizing the mussels present/salmonids absent formulas, an average

temperature of 25 degrees C and pH value of 7.4, the resulting water quality criteria values are 1.1 mg/L (chronic, 30-day average) and 7.05 mg/L (acute, 1-hour average). According to the EPA nationally recommended freshwater ammonia criteria formulas, the higher the average temperature and pH, the lower the criteria. Average temperatures in Louisiana surface waters often exceed 25 degrees C and are sometimes as high as 27 degrees C. Utilizing the above-referenced DMR dataset approximately 41 percent of DMR values exceed 1.1 mg/L. Approximately 18 percent exceed of DMR values exceed 7.05 mg/L.

Taking into account the higher than average surface water temperatures and available DMR data, controlling ammonia discharges into surface waters from point sources becomes a necessity to meet the requirements of the Clean Water Act and the Code of Federal Regulations. As mentioned in Section I of this report, 40 CFR 131.11(a), states are required to review both water quality data and information on dischargers, and must adopt criteria for toxic pollutants that are sufficient to protect the designated use. Nearly all of LDEQ's delineated subsegments are assigned the designated use of Fish and Wildlife Propagation (FWP). Documented species of Unionid mussels are widespread throughout the state (<https://gbif.org/species/3461>). Adoption of appropriate freshwater ammonia criteria will provide protection for the aquatic life, as well as enhancing the overall water quality.

However, LDEQ recognizes that species survey data is not 100 percent complete across all state waters. Proposed rule WQ114 is proposing to adopt the mussels present criteria formulas, and the mussels absent criteria formulas which will be implemented in LPDES permits through a performance-based approach. A performance-based approach relies on the adoption of a process rather than a specific outcome and does not require site-specific decisions to be codified in the regulations, so long as the process is transparent, predictable, repeatable and also provides the opportunity for the public participation. In conjunction with proposed rule WQ114, LDEQ is proposing revisions to the *Water Quality Management Plan, Volume 3, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards*, which defines the process for implementing the mussels present or mussels absent criteria formulas in LPDES permits through a survey of the receiving water body to determine current and historical presence or absence of Unionid mussels. The inclusion of both sets of criteria formulas and the performance-based approach in LPDES permitting provides the required protection of all aquatic species in Louisiana.

#### **The Estimated Economic Cost to All Persons Directly Affected by the Proposed Rule**

LDEQ expects costs to be incurred by publicly and privately owned treatment works that discharge 100,000 gallons per day (GPD) of treated wastewater or more and some industrial facilities with a Louisiana Pollutant Discharge Elimination System (LPDES) permit. Industrial facilities affected are those that utilize or produce nitrogen, such as fertilizer manufacturers and facilities subject to ammonia-nitrogen effluent limit guidelines (ELGs), such as meat and seafood processors and petroleum refineries. Other

industrial facilities (not yet identified) may also require ammonia-nitrogen limitations based on LDEQ's review of the actual discharge data supplied with each permit application. Certain facilities will be subject to more stringent ammonia-nitrogen limits, depending on the characteristics of their specific discharge and of the receiving water body, which may require changes to current operations and/or significant upgrades to existing treatment technology.

LDEQ has identified approximately 500 sanitary treatment plants (publicly and privately owned), 18 major industrial and 130 minor industrial facilities, which have the potential to be affected. However, not all of those potentially affected will have ammonia-nitrogen limits that are more stringent than the existing permit limits or have limits where no ammonia-nitrogen limits are included in the existing permit. Water quality based limits for ammonia-nitrogen are calculated using receiving stream flow, effluent data, and ambient pH and temperature data. The information is not available to conduct a full analysis, as LDEQ requires data from each individual facility to complete the analysis. LDEQ requested interested stakeholders to provide information regarding treatment options and cost estimate data through Potpourri Notice 2203Pot1, published on March 20, 2022, and stakeholder meetings. Potpourri Notice 2203Pot1 requested interested parties to submit information and comments concerning costs to directly affected persons, together with the environmental and/or human health risks and benefits, including information regarding treatment options and costs by May 31, 2022. No comments were received. LDEQ subsequently held a stakeholder meeting on July 21, 2022, requesting information to be submitted by August 30, 2022. Three sets of comments were received. A second stakeholder meeting was held on October 24, 2022. No further comments were received. The information received was taken into consideration in this rule development and are presented in the following paragraphs.

Although data is not available for every potentially affected facility, LDEQ has received information that indicates the costs for installing new treatment technology would be significant. Information submitted by Foster Poultry Farms, LLC (a chicken processing facility) indicated the cost to upgrade the treatment system to meet limits between 2 and 4 mg/L ammonia-nitrogen would require \$11.5 to \$14 million of capital investment. LDEQ anticipates this estimate is the highest possible cost to a major industrial facility. Information submitted by St. Tammany Parish Government did not include a numeric cost estimate for improved treatment; however, St. Tammany Parish Government anticipated that advanced tertiary treatment technology would be required for most sanitary wastewater treatment facilities in St. Tammany Parish, which would be "unimaginably costly for redesign, construction, operations and rates to customers."

The proposed rule may also require additional effluent testing to demonstrate compliance with ammonia-nitrogen limits, which will be included in reissued and new LPDES permits. Facilities may be subject to additional testing costs to demonstrate compliance with ammonia-nitrogen limits.

- The estimated costs per test are:
1. Ammonia-Nitrogen Effluent Concentration (Methods 350.1; 4500): \$12 to \$18 per test
  2. Temperature - \$5 per test
  3. pH - \$5 per test

The frequency of testing varies among permits and is dependent on permit type and the volume of wastewater discharged in gallons per day (GPD). Currently, LDEQ utilizes a standardized schedule for the monitoring of conventional pollutants in LPDES permits. The estimates presented below are based on this schedule. All minor facilities, which are classified as small businesses, already test for pH on a regular basis. All industrial facilities with a heat component in the process are already required to test for temperature. Therefore, the monitoring of pH and temperature is not expected to incur any additional cost.

Most publicly-owned treatment works (POTWs) and privately owned treatment works are already required to test for ammonia-nitrogen in the effluent in current permits, as most already have ammonia-nitrogen limitations based on the existing Water Quality Management Plan (WQMP). No additional costs are expected for these facilities with respect to monitoring. For the few facilities that currently do not have an ammonia-nitrogen limit in their permit or are not required to test for ammonia-nitrogen on a regular basis are expected to incur the following additional costs on an annual basis:

1. POTWs/Privately-owned Treatment Works > 100,000 GPD < 500,000 GPD: \$288 to \$432/year
2. POTWs/Privately-owned Treatment Works > 500,000 GPD < 1,000,000 GPD: \$624 to \$936/year
3. Minor Industrial Facilities: \$624 to \$936/year

Because of the cost information received, LDEQ has included provisions and options in the proposed revisions to the Water Quality Management Plan, Volume 3: Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards to minimize costs to affected facilities in the form of extended compliance schedules and alternative representative stream flow calculations. The proposed revisions to this document are being public noticed in conjunction with this proposed rule. Please see the Small Business Analysis form for more details. Based on the regulatory provisions as proposed taken together with the implementation guidance revisions, LDEQ anticipates that ammonia limitations developed for individual permits will be fully protective of aquatic life, while avoiding the imposition of overly conservative limits that would incur undue economic burdens. Nonetheless, the costs to implement the proposed rule changes would be significant. Please see the Fiscal and Economic Impact statement for more details.

**Written Determination**

Based on sound scientific information, the environmental and public health benefits to be derived from the proposed Rule outweigh the social and economic costs reasonably expected to result from the proposed Rule.

Aurelia S. Giacometto  
Secretary

2405#046

**POTPOURRI**  
**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Affairs Division**

Water Quality Management Plan—Volume 3: Permitting  
Guidance Document for Implementing Louisiana  
Surface Water Quality Standards

Under the authority of the Environmental Quality Act, R.S. 30:2071 et seq., the secretary gives notice that procedures have been initiated to amend Volume 3 of the Louisiana Water Quality Management Plan (WQMP). (2405Pot1)

Volume 3 is a component of the WQMP, as required by Sections 208 and 303(3) of the federal Clean Water Act, and establishes procedures to effectively incorporate water quality standards into wastewater discharge permits. Volume 3 of the WQMP provides a consistent approach to the application of narrative and numerical water quality standards, derivation of water quality based effluent limitations, and implementation of Total Maximum Daily Loads (TMDLs).

Federal regulations, 40 CFR 130.6(e) requires that Water Quality Management Plans be updated as needed. Freshwater ammonia criteria are being proposed in Rule WQ114. In accordance federal and state regulations (40 C.F.R. § 130.5 and 130.6(c)(2); LAC 33:IX.1119.B), updates to Volume 3 of the WQMP are being made to establish a process for developing freshwater ammonia effluent limitations and schedules of compliance. Other minor updates to Volume 3 of the WQMP are being proposed: (1) Revisions to critical flow and harmonic mean flow determinations and (2) Revisions to Appendix G, clarifying the applicability of TMDLs. Amendments to Volume of the WQMP were proposed published for public review and comment on August 20, 2023 (2308Pot2). Public comments were received. Further amendments and revisions have been made in response to the public comments, specifically the inclusion of Appendix H, Louisiana Mussel Survey Performance Based Approach and Survey Methodology.

You may access the complete draft revision of Volume 3 by entering Document ID number 14198991 into the search engine in LDEQ’s Electronic Document Management System (EDMS):

<https://edms.deq.louisiana.gov/edmsv2/advanced-search>.

Only the proposed changes (additions and deletions) to Volume 3 are open for public comment at this time. Additions are indicated by redline and deletions are indicated by strikethrough.

Written comments regarding the proposed revision must be received no later than July 2, 2024, at 4:30 p.m., and should be sent to Christy Clark, Office of the Environmental Services, Water Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313 or by E-mail to Christy.Clark@la.gov.

Aurelia S. Giacometto  
Secretary

2405#044

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Withdrawal of Rulemaking—Freshwater  
Ammonia Aquatic Life Criteria  
(LAC 33:IX.1105, 1109, 1113, and 1115)(WQ112)

This Potpourri notice announces the withdrawal of rulemaking for log number WQ112. The Notice of Intent for WQ112 was originally published in the *Louisiana Register* on August 20, 2023. The department was not able to complete promulgation of WQ112 within the mandated regulatory timeframe. The department intends to move forward with promulgation of the Freshwater Ammonia Aquatic Life Criteria under log number WQ114, which is noticed in the May 20, 2024, *Louisiana Register*. (2405Pot3)

Aurelia S. Giacometto  
Secretary

2405#045

**POTPOURRI**

**Department of Energy and Natural Resources  
Office of Conservation  
Injection and Mining Division**

Public Hearing—New Class I Nonhazardous  
Waste Disposal (Injection) Well

Pursuant to provisions of the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended, and provisions of Statewide Order No. 29-N-1 and Statewide Order No. 29-B, notice is hereby given that the commissioner of Conservation will conduct a public hearing at 6 p.m., June 27, 2024. The hearing will be held in the Bossier Parish Central Library at 850 City Hall Drive, Bossier City, LA 71111.

At such hearing, the commissioner or his designated representative will give any interested person the opportunity to present testimony, facts, or oral or written comments relative the application by HRWN Bossier, LLC

(HRWN) of 1008 Southview Circle, Center, TX, to drill and operate one new Class I nonhazardous waste disposal (injection) well for disposal of industrial, nonhazardous liquid wastes and exploration and production (E and P) waste fluids at the HRWN Bossier, LLC facility at 151 Viewpoint Road, in Section 9, Township 16 North, Range 12 West, in Bossier City, LA 70082.

The proposed new well is identified as HRWN Bossier Waste Disposal Well No. 001. Waste water disposal is proposed to occur initially at a depth of 5,819 feet to 6,913 feet below ground level (bgl) within a disposal zone of 2,953 feet to 6,983 feet bgl. The base of the lowermost underground source of drinking water (USDW) at the specific facility location occurs at an approximate depth of 335 feet below land surface.

A copy of the draft permit (Order) or information concerning the application may be obtained by writing to the person at the address below or by calling (225) 342-5515. Written comments concerning the application must be received by the Office of Conservation no later than 4:30 p.m., June 27, 2024. Submit all comments to: Melissa Ashour, Office of Conservation, Injection and Mining Division, 617 North 3<sup>rd</sup> Street, Ninth Floor, Baton Rouge, LA 70802. Comments may also be e-mailed to Injection-Mining@la.gov. Please reference: HRWN Bossier Class I Permit, Application Number 41034, Docket No. IMD 2024-03.

The application is available for inspection between 8 a.m. and 4:30 p.m., Monday through Friday in the Injection and Mining Division Office, Rm. 817, of the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA, and on the Louisiana Department of Natural Resources Conservation website. A copy of the application is also available at the Bossier Parish Police Jury located at 204 Burt Boulevard, Benton, LA 71006, and Bossier Parish Central Library at 850 City Hall Drive, Bossier City, LA 71111.

All persons having interest in the aforesaid shall take notice thereof.

Benjamin C. Bienvenu  
Commissioner

2405#025

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