

CONTENTS

I. EXECUTIVE ORDERS

BR 90-11—Establishes the Louisiana Criminal Justice Information Systems Policy Board 747
BR 90-12—Use of inmate labor at the Louisiana Correctional Industrial School, DeQuincy 747

II. EMERGENCY RULES

Economic Development Department:
Racing Commission—Closing and opening of Pari-Mutuel machines (LAC 35:XIII.10317) 748
Disqualified horse recognized as winner (LAC 35:I.1739) 748
Fax transmission (LAC 35:XV.12330) 748
Pari-Mutuel tickets (LAC 35:XV.12341) 749
Race date changes (LAC 35:XV.12328) 749
Registration of horse (LAC 35:V.6311) 749
Rider named on two horses (LAC 35:V.6360) 749
Simulcast audio transmission (LAC 35:XV.12331) 750
Simulcast video transmission (LAC 35:XV.12329) 750
Subpoenas and notice of hearing (LAC 35:V.8307) 750
Testing for alcohol abuse (LAC 35:I.1793) 751
Testing for dangerous substance abuse (LAC 35:I.1791) 751
Tote forms; glossary of terms (LAC 35:XV.12332) 752
Education Department:
Board of Elementary and Secondary Education—Temporary teaching assignments 752
Health and Hospitals Department:
Office of the Secretary, Bureau of Health Services Financing—Medicaid Program-Addition of maintenance services in
EPSDT Program 752
Medicaid Program-Anesthesiology services reimbursement increase 753
Medicaid Program-Eliminates service limits in EPSDT Program 754
Medicaid Program-Expansion of Durable Medical Equipment (DME) services for EPSDT children 755
Medicaid Program-Increases pharmacy dispensing fee 755
Medicaid Program-Increases reimbursement in Skilled Nursing Facility/Technology Dependent Children (SNF/TDC)
Program 756
Medicaid Program-Vision and hearing screenings schedule (EPSDT) 756
Social Services Department:
Office of the Secretary, Bureau of Licensing and Quality Assurance—Child day care facility licensing/registration. 757
Transportation and Development Department:
Office of the Secretary—Gasohol or 10 percent ethanol enriched gasoline specifications (LAC 73:III.109) 759
Treasury Department:
Bond Commission—Line of credit 760
Wildlife and Fisheries Department:
Wildlife and Fisheries Commission—Deer Management Assistance Program (DMAP) (LAC 76:V.109) 761
Hunting season closure (New Orleans area) 761

III. RULES

Economic Development Department:
Office of Commerce and Industry—Louisiana Capital Companies Tax Credit Program (LAC 13:I 721) 762
Louisiana Industrial Training Program (LAC 13:III.901) 762
Racing Commission—Access by commissioners (LAC 35:III.5727) 763
Deposit for expenses (LAC 35:V.8305) 763
First aid room (LAC 35:III.5711) 763
Horse found drugged (LAC 35:I.1737) 764
License required for activities (LAC 46:XLI.515) 764
Masking agents (LAC 35:1.1719) 764
Monetary interests prohibited (LAC 35:III.1903) 764
Possession of drugs, syringes or needles (LAC 35:I.1743) 765
Stable name (LAC 46:XLI.2101) 765
Violations, permitted medications (LAC 35:1.1511) 765
Education Department:
Board of Elementary and Secondary Education—Bulletin 741-Nonpublic school standards 765
Bulletin 746-Vo-tech personnel 766
Bulletin 1566-Pupil progression guidelines (LAC 28:I.907) 766
Drug-free schools and communities (LAC 28:I.945) 766
Education Majors Program 767
Nonpublic elementary summer school standards 767
Post-Baccalaureate Scholarship Program (FY 90/91) 767
Program plan for administration of vocational education (FY 91/92) (LAC 28:I.939) 767
Vo-tech tuition fee collection (LAC 28:I.1523) 768
VTIE Tuition Exemption Continuing Education Program 768
Proprietary School Commission—Bulletin 1443-Student Protection Fund 768

This public document was published at a total cost of \$5,400.00. 1,100 copies of this public document were published in this monthly printing at a cost of \$3,400.00. The total cost of all printings of this document including reprints is \$5,400.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

| | |
|---|-----|
| Health and Hospitals Department: | |
| Board of Embalmers and Funeral Directors—Embaling requirements (LAC 46:XXXVII.901) | 769 |
| Board of Examiners of Psychologists—Continuing Education (LAC 46:LXIII.Chapter 8) | 769 |
| Office of the Secretary—Alcohol and Drug Abuse ADMS Block Grant; Maternal and Child Health Block Grant; Preventive Health and Health Services Block Grant | 771 |
| Office of the Secretary, Bureau of Health Services Financing—Medicaid Program-Title XIX MR/DD waived services without regard to income and resources for disabled children. | 771 |
| Social Services Department: | |
| Office of Community Services—Social Services Block Grant (SSBG) funds | 772 |
| Office of Family Support—AFDC-Unemployed Parent Program. | 772 |
| Transportation and Development Department: | |
| Board of Registration for Professional Engineers and Land Surveyors—Definitions; certification and registration; corporations and firms; examinations; seal rules; professional conduct (LAC 46:LXI.Chapters 1, 3, 5, 15, 17, and 21) 772 | |
| Treasury Department: | |
| Board of Trustees of the State Employees Group Benefits Program—Emergency room deductible | 776 |
| Utilization review maximum penalty. | 776 |
| Wildlife and Fisheries Department: | |
| Wildlife and Fisheries Commission—Public oyster seed ground (LAC 76:VII.507) | 776 |
| IV. NOTICES OF INTENT | |
| Agriculture and Forestry Department: | |
| Office of Forestry—Indian Creek Recreation Area user fee (LAC 7:XXXIX.20501) | 777 |
| Civil Service Department: | |
| Civil Service Commission—Amends certain rules | 778 |
| Culture, Recreation and Tourism Department: | |
| Office of State Parks—Fees (LAC 25:IX.Chapters 3, 5, 7) | 779 |
| Economic Development Department: | |
| Certified Real Estate Appraisal Subcommittee—Education certification (LAC 46:LXVII.10307) | 783 |
| Education Department: | |
| Board of Elementary and Secondary Education—Bulletin 741- High School Equivalency Diplomas | 783 |
| Bulletin 741-School librarian employment scale | 784 |
| Bulletin 1213-School bus standards. | 784 |
| Bulletin 1868-Drug testing policy | 785 |
| Hiring noncertified school personnel | 785 |
| Nonpublic school waiver request | 786 |
| Vo-tech salary schedule | 786 |
| Vo-tech tuition fee | 787 |
| Employment and Training Department: | |
| Office of Labor—Community Services Block Grant | 787 |
| Office of Workers' Compensation—Medical fee reimbursement schedule | 788 |
| Environmental Quality Department: | |
| Office of Air Quality and Radiation Protection—Air Quality Division-Asbestos-containing materials in schools and public buildings (LAC 33:III.2701) | 789 |
| Office of Solid and Hazardous Waste, Hazardous Waste Division—Amends hazardous waste rules, Log No. HW22 (LAC 33:V.Chapters 11-49) | 790 |
| Geotechnical Amendments II (LAC 33:V.Chapter 51) | 791 |
| Health and Hospitals Department: | |
| Board of Nursing—Preceptor definition (LAC 46:XLVII.3503) | 792 |
| Preceptorship experience definition (LAC 46:XLVII.3503) | 793 |
| Preceptorship learning experiences (LAC 46:XLVII.3541) | 793 |
| Preceptorship learning experiences (LAC 46:XLVII.3541) | 794 |
| Office of the Secretary, Bureau of Health Services Financing-Federally Qualified Health Centers (FQHC), reimbursement providers | 795 |
| Licensing for day care providers-adult day health care | 797 |
| Nursing home reform | 798 |
| Natural Resources Department: | |
| Office of Conservation—Hazardous liquids pipeline enforcement (LAC 33:V.Chapter 501) | 800 |
| Office of Mineral Resources—Fees (LAC 43:V.103) | 801 |
| Public Safety and Corrections Department: | |
| Board of Pardons—Applications (LAC 22:V.Chapter I) | 802 |
| Liquefied Petroleum Gas Commission—Amends certain rules (LAC 55:IX.Chapters 1-13) | 803 |
| Revenue and Taxation Department: | |
| Tax Commission—Real/Personal Property (LAC 61:V.Chapters 1-35) | 804 |
| Social Services Department: | |
| Office of Family Support—Job Opportunities and Basic Skills Training (JOBS) Program. | 804 |
| Transportation and Development Department: | |
| Utility and Permit Section—Utilities Right-of-way acquisition (LAC 70:XIII.1901) | 805 |
| Treasury Department: | |
| Board of Trustees of the State Employees Group Benefits Program—Post doctoral fellows. | 806 |
| Wildlife and Fisheries Department: | |
| Wildlife and Fisheries Commission—Deer Management Assistance Program (DMAP) (LAC 76:V.109) | 807 |
| Freshwater Trout (LAC 76:VI.147) | 807 |
| V. POTPOURRI | |
| Natural Resources Department: | |
| Office of the Secretary, Fishermen's Gear Compensation Fund—Claims | 808 |

Executive Orders

EXECUTIVE ORDER BR 90-11

WHEREAS, in order to address, on a state and local basis, the crime problem in our state and related issues, accurate and timely information is critical; and

WHEREAS, in order for critical criminal justice policy decisions to be based on reliable data projections; and

WHEREAS, the state of Louisiana does not have adequate information relating to the problem of crime and criminal justice in the state; and

WHEREAS, the development of an adequate criminal justice information system depends upon cooperation between state and local agencies, where no aspect of the criminal justice system is permitted to dominate the effort to the detriment of other elements of the system; and

WHEREAS, a coordinated and cooperative venture, supervised and staffed by a body representing all aspects of the criminal justice system is required in developing a comprehensive statewide information network;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do order and direct as follows:

SECTION 1. The Louisiana Criminal Justice Information Systems Policy Board be established in the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

SECTION 2: The Policy Board will be comprised of the following members:

a. The chairman of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

b. The chairman of the Louisiana Sentencing Commission.

c. The chairman of the Senate Judiciary "C" Committee.

d. The chairman of the House Committee on Criminal Justice.

e. The president of the Louisiana District Attorneys Association, or his designee.

f. The president of the Louisiana Sheriffs Association, or his designee.

9. The president of the Louisiana Chiefs of Police Association, or his designee.

h. Sheriff Ken Goss, Acadia Parish and member of the National Uniform Crime Reports Advisory Board.

i. Judge Fred Pitcher, Nineteenth Judicial District Court, Baton Rouge.

j. Colonel Marlin Flores, Deputy Secretary, Department of Public Safety and Corrections.

k. J. Nathan Stansbury, District Attorney, Fifteenth Judicial District.

l. R. B. "Bucky" Rives, Executive Director, Louisiana Sheriffs Association.

m. E. Pete Adams, Executive Director, Louisiana District Attorneys Association.

n. Sheriff Elmer Litchfield, East Baton Rouge Parish.

o. Chief Warren Woodfork, New Orleans Police Department.

p. Sheriff Don Breaux, Lafayette Parish.

q. Chief Willie Buffington, Monroe Police Department.

r. Mr. Hugh Collins, Judicial Administrator, Louisiana Supreme Court.

s. Chief Glen Beard, Alexandria Police Department.

t. Chief Jim L. Herford, Westlake Police Department.

SECTION 3: The purpose of the board will be:

a. to make policy governing the development, maintenance, and utilization of new state level criminal justice information systems;

b. to make policy recommendations, to responsible authorities, concerning matters relating to systems compatibility and the sharing of criminal justice information;

c. to make rules, subject to Administrative Procedure Act, governing the use and dissemination of criminal justice information derived from a state level criminal justice information system;

d. to promote and coordinate the development of a comprehensive Criminal Justice Information System in Louisiana.

SECTION 4: The Governor shall appoint a chairman and vice-chairman.

SECTION 5: Each department within the executive branch of the state of Louisiana and each agency and political subdivision within the state shall cooperate fully with the board and provide the board with such data, information and statistics as required by the board.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22nd day of August, 1990.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen

EXECUTIVE ORDER BR 90-12

WHEREAS, during the 1988 Regular Session the Legislature passed Senate Bill 606 relative to correctional facilities inmate labor; and

WHEREAS, said act, among other things, authorizes the governor to use inmate labor in certain projects or maintenance or repair work; and

WHEREAS, the Act provides that the governor, upon determining that it is appropriate and in furtherance of the rehabilitation and training of inmates, may, by executive order, authorize the use of inmates of a penal or correctional facility owned by the state of Louisiana for necessary labor in connection with a particular project;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order the following:

That inmate labor be and is hereby authorized to replace the roof of various buildings at the Louisiana Correctional Industrial School, DeQuincy, Louisiana.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 28th day of August, 1990.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 103. Pari-Mutuels

§10317. Closing and Opening of Pari-Mutuel Machines

The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The pari-mutuel ticket issuing machines shall be locked by the state steward and the "off" bell sounded when the gate opens. It shall be the duty of the stewards to see to it that the horses arrive at the starting gate as near to post time as possible. If their arrival at the starting gate exceeds two minutes past the advertised post time as reflected by the infield board, the pari-mutuel machines shall be locked unless extenuating circumstances exist as determined by the stewards such as an accident to a horse or jockey, or equipment failure. At the discretion of the state steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashiers' windows be opened until after the declaration that the result of the race is official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:439 (December 1976), repromulgated LR 3:35 (January 1977), LR 4:281 (August 1978), amended LR 5:96 (May 1979), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1739. Disqualified Horse Recognized as Winner

A. When the stewards declare a horse to be the winner or qualifier of an elimination or eligibility race for a futurity, stakes or handicap and, thereafter, a report as described in LAC 35:I.1729 is received from the state chemist, the horse shall be deemed to have forfeited its eligibility to compete in any subsequent race related to that futurity, stakes or handicap.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 2:449 (December 1976), repromulgated LR 3:45 (January 1977), LR 4:287 (August 1978), amended LR 15:961 (November 1989), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part XV. Off-Track Wagering

Chapter 123. General Rules

§12330. Fax Transmission

A. Fax machines shall be located in each tote room as the priority back-up method of communication of wagering data. Verbal transmissions of wagering data will be accepted only in the event of a fax failure and confirmed in writing as soon as possible. Proof of successful fax transmission shall be maintained for a minimum of 60 days by the association.

B. Scratched horses and other betting format changes must be communicated from host mutuel department head to all tote department managers at both live and guest associations via fax transmission immediately upon receipt of that information from the host track stewards or if the urgency of communication requires otherwise and confirmed in writing as soon as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part XV. Off-Track Wagering**

Chapter 123. General Rules

§12341. Pari-Mutuel Tickets

A. Pari-mutuel tickets utilized at an off-track wagering facility shall use a numerical designation for each betting interest.

B. All off-track wagering, guest and host facilities shall, upon request, cash all pari-mutuel tickets purchased at its facility during all hours of operation within the guidelines provided for under R.S. 4:176 and R.S. 4:219.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 14:290 (May 1988), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part V. Racing Procedures**

Chapter 63. Entries

§6311. Registration of Horse

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred or Appaloosa. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association and an Appaloosa horse by Appaloosa Horse Club, Inc. shall be prima facie evidence that such horse is a thoroughbred quarter horse or an Appaloosa. However such registry shall not be conclusive evidence, nor binding on the commission. At the time of entry such certificate of registration and Coggins test certificate must be on file in the office of racing secretary before starting, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in stakes races in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:91 (March 1976), LR 2:436 (December 1976), LR 3:32 (January 1977), repromulgated LR 4:279 (August 1978), amended LR 15:7 (January 1989), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part XV. Off-Track Wagering**

Chapter 123. General Rules

§12328. Notification of Change

Notification of any race date changes or changes in format for wagering including, but not limited to, addition of exactas, pick six, daily doubles and/or other exotic wagering must be provided by the host track to both the host track tote company, guest track tote companies, guest track mutuel department and off-track wagering facility tote companies at the time such changes are approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part V. Racing Procedures**

Chapter 63. Entries

§6360. Rider Named on Two Horses

A rider may be named on two horses in a race provided one is on the also-eligible list. A coupled entry shall be considered one horse for the purpose of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:432 (August 1987), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

Title 35

HORSE RACING

Part XV. Off-Track Wagering

Chapter 123. General Rules

§12331. Simulcast Audio Transmission

A. Each off-track wagering facility...

B. In the event of the loss of both audio and video signals from the host track to guest tracks and/or off-track wagering facilities, wagering may continue. However, either the audio or video signal must be re-established as soon as possible, but no later than the start of the next day's wagering program or wagering shall not be allowed to begin at the guest track or off-track wagering facility that has suffered the loss of both audio and video signals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 14:289 (May 1988), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

Title 35

HORSE RACING

Part XV. Off-Track Wagering

Chapter 123. General Rules

§12329. Simulcast Video Transmission

A. - F. ...

G. There shall be sufficient television monitors in each tote room to provide key tote employees a view of all horses starting from the starting gate at any track.

H. In the event of a data or wagering communication failure, and communication is not restored by three minutes to post for the current race at the host track, betting shall cease at the guest track and/or off-track wagering facilities where such communication has been lost, and wagers to the point shall be manually merged. No further wagering data shall be accepted at the failed facilities until communications can be restored and authorization is given by both the host and guest mutuel departments.

I. In the event of a data communication failure which requires the manual merging of pools, betting for the next race cannot proceed at guest tracks or off-track wagering facilities which have suffered such loss until data communication has been re-established and all payoffs for any prior race have been posted. Races shall not be delayed at the host track past post time as normally reflected on the infield tote board while awaiting the re-establishment of failed data communication between the host track and guest or off-track wagering facility.

J. Any loss in communications causing a delay in races or payoffs between host tracks, guest tracks and/or off-track wagering parlors shall be considered an "incident" and will require incident reports to be filed with the commission by all tote managers and mutuel managers involved within 48 hours of the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 14:289 (May 1988), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

Title 35

HORSE RACING

Part V. Racing Procedures

Chapter 83. Appeals to the Commission

§8307. Subpoenas and Notice of Hearing

A. The commission may issue an administrative subpoena to an individual referred to the commission, an individual appealing a steward's ruling, and any witness. The commission may issue a notice of hearing to an individual requesting reinstatement or an individual requesting to come before the commission for special circumstances. Excluding witnesses, the individual's responsibility shall include, but is not limited to the following:

1. submitting notarized documents of evidence to the commission's domicile office prior to the meeting. Such documentation may include any documents evidencing reasons for the individual's reinstatement;

2. if desired by the individual, being represented by an attorney;

3. bringing his/her badge to the meeting, unless previously surrendered to the stewards or the commission;

4. if pertinent, submitting the name, address and telephone number of any parole officer, to the commission's domicile office prior to the meeting;

5. if audio-visual equipment is desired by the individual, setting up and operating such equipment, and all costs incurred thereof.

B. The commission may issue a notice of hearing to an individual's attorney, which may include but is not limited to the following:

1. the requirement of the attorney's written request of any witnesses he desires to appear before the commission, including their addresses and to what each witness will testify;

2. a responsibility clause to provide for reimbursement to individual's witnesses for their costs and/or travel expenses incurred.

C. The commission may issue a notice of hearing to an owner when having an interest in the matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, 148, 154, 192 and 197.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1793. Testing for Alcohol Abuse

Any person licensed by the commission shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of .05 percent or more of alcohol in the blood, such person shall not be permitted to continue his duties. For the first offense, any person having a reading of .05 percent or more shall be fined \$50 and not be permitted to perform his duties for the day. For the second offense, any person having a reading of .05 percent or more shall be fined \$100 and not be permitted to perform his duties for the day. For a third offense, any person having a reading of .05 percent or more shall be suspended for 30 days and be subjected to an evaluation as called for in LAC 35:I.1791.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:290 (May 1987), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1791. Testing for Dangerous Substance Abuse

A. No person licensed by the commission shall use any controlled dangerous substance as defined in the Louisiana Controlled Dangerous Substance Act, R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed physician. This notice shall

be in the form of an affidavit provided by the commission and completed by the licensed practitioner. Failure to provide the state steward with the appropriate affidavit prior to the collection of a urine sample shall result in a positive violation and shall be administered pursuant to Subsection D. Failure of a licensed person to provide this affidavit from his doctor or physician within 10 days of being notified by the stewards of a finding for a prescription drug shall be treated as a positive and having the person subject to a penalty as contained herein.

B. Every person licensed by the commission at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the discretion of the state steward in a manner prescribed by the commission. Any licensed person who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided herein.

1. Failure or refusal to submit to a urine test when ordered by the state steward shall result in a minimum 90-day suspension. Failure or refusal to submit to a urine test for a second time shall result in a suspension by the stewards to the full extent of their power and referral to the commission.

C. Any person licensed by the commission who is requested to submit to a urine test shall provide the urine sample to a chemical inspector of the commission. When requested to provide a sample, that person shall submit the sample before leaving the race track. Failure to do so shall be considered a refusal. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested person. The portion of the form which is provided to the laboratory for analysis shall not identify the individual by name. It shall be the obligation of the licensed person to cooperate fully with the chemical inspector in obtaining any sample who may be required to witness the securing of such sample. Anyone who tampers with a urine sample shall be fined and/or suspended as provided for by R.S. 4:141 et seq., and/or the Rules of Racing.

D. ...
1. - 7. ...

8. Amphetamines and other central nervous system stimulants are not permitted except in cases of exogenous obesity. In those cases, the participant must give proof that multiple dietary attempts to control exogenous obesity have failed and that he is participating in a medically supervised dietary program which includes the short term (two to three weeks) usage of amphetamines.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 13:289 (May 1987), amended LR 15:260 (August 1989), amended LR 16:394 (May 1990), amended LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35 HORSE RACING Part XV. Off-Track Wagering

Chapter 123. General Rules

§12332. Tote Forms; Glossary of Terms

A. All tote companies operating within the state of Louisiana shall use a standard "manual merge" form approved by the commission. This form shall be authenticated by the signature of the tote manager and mutuel manager at both host and guest track or off-track wagering facilities, or by their designees.

B. All tote companies operating within the state of Louisiana shall correspond under a mutually accepted glossary of terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Regulations for Granting
Temporary Teaching Assignments

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an amendment to the Regulations for Granting Temporary Teaching Assignments which was advertised as an emergency rule, effective July 1, 1990 in the June, 1990 *Louisiana Register*, page 487 and as a notice of intent in the July, 1990 *Louisiana Register*, page 639 to state:

The Bureau of Teacher Certification, State Department of Education may waive the requirement for admission to teacher education programs for persons employed on Circular 665 and temporary teaching assignments for those parishes that provide satisfactory documentation of recruitment efforts, and of critical need. Furthermore, individuals approved under this waiver are not eligible for teacher tuition exemption.

Emergency adoption is necessary in order to allow local school systems to fill existing teacher vacancies for the current school year. Effective date of adoption is August 23, 1990.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

Previous federal regulations required states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), additional regulations pertinent to the EPSDT Program are specified effective April 1, 1990. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screening whether or not the service is included in the state's Medicaid plan must be covered.

Rehabilitation services for Medicaid recipients under the age of 21 previously designated as EPSDT Health Services are covered under the Title XIX State Plan when pre-approved by the bureau's Prior Authorization Unit. Physical therapy, occupational therapy, and speech therapy are the services included under this heading. Under previous procedures, approval was dependent on the expectation of continued improvement, and authorization was not issued for maintenance of the optimum functional level. Medically necessary occupational therapy, physical therapy, and speech therapy services to maintain functional levels may now be approved under the OBRA '89 regulations. The determination of medical necessity for these services shall continue to be the responsibility of the Bureau of Health Services Financing.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective May 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 5, page 387 on May 20, 1990 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on August 20, 1990 (Volume 16, No. 8, page 720).

RULE

Medically necessary physical therapy, occupational therapy, and speech therapy required for maintenance of optimum functional levels shall be reimbursed under the EPSDT Health Services Program when such services are rendered to Medicaid-eligible recipients under the age of 21. Prior authorization for these services shall be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Currently, anesthesia services are provided to Title XIX Medicaid eligible recipients by anesthesiologists and certified registered nurse anesthetists (CRNAs) in accordance with federal and state regulations. These providers are reimbursed on a flat fee for service in accordance with Health Care Procedure Codes (HCPC). For each HCPC a maximum reimbursement is assigned and automated payment is made based on the dollar amount assigned to each HCPC, not to exceed billed charges. When anesthesia services are provided by a CRNA, payment for these services may not duplicate payment to the anesthesiologist. Payment to CRNAs for services provided is limited to the applicable modifier amount of the appropriate procedure code.

Section 6402 of the Omnibus Budget Reconciliation Act of 1989 requires that payments are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population. Based on a review of anesthesiology provider participation in the state's Title XIX program as well as a review of the reimbursement structure for anesthesiology services, the bureau has determined that less than 50 percent of the state's licensed anesthesiologists are actually enrolled in the Medicaid program. In order for the bureau to comply with mandatory federal statute provisions, the reimbursement level for anesthesia services is being increased effective September 1, 1990.

RULE

Anesthesiology services shall be reimbursed in accordance with the guidelines set forth herein when provided to eligible Title XIX recipients. With some exceptions, anesthesia services will be reimbursed by the formula in I., which considers base units and time units and a multiplier coefficient along with modifiers which identify the involvement of the anesthesia services provider. The exceptions to the formula to determine reimbursement are certain CPT-4 procedure codes identified in IV., which will continue to be reimbursed on a flat fee basis. In addition maternity-related anesthesia services will be reimbursed on a flat fee basis in accordance with the provisions set forth in V.

Personal Medical Direction as used in this rule is defined in the same manner as *personal medical direction* in the Medicare billing guidelines.

I. Formula Determining Payment for Anesthesia Services

Reimbursement to anesthesiologists and certified registered nurse anesthetists will be calculated using the following formula: $\text{Base Units} + \text{Time Units} \times \text{Coefficient} = \text{Payment}$. A base unit is the relative value assigned to a CPT-4 procedure code. A time unit equals the length of the anesthesia service in minutes divided by either 15 or 30. The coefficient will be either \$8.49 or \$15.

If there are additional minutes remaining when time units are computed, then reimbursement will only be paid for

five-minute intervals. When one unit = 15 minutes and the coefficient is \$15, reimbursement will be paid at the rate of \$5 for each additional five-minute interval. When one unit = 15 minutes and the coefficient is \$8.49, reimbursement will be paid at the rate of \$2.83 for each additional five-minute interval. When one unit = 30 minutes and the coefficient is \$15, reimbursement will be paid at the rate of \$2.50 for each additional five-minute interval.

II. Certified Registered Nurse Anesthetists (CRNAs) Payment Schedule

Reimbursement to CRNAs will be paid at two levels differentiated by whether the CRNA is personally medically directed by an anesthesiologist or works independently of an anesthesiologist. The coefficient will be \$8.49 for a medically directed CRNA (designated by modifier AH) and \$15 for a non-medically directed CRNA (designated by modifier AI). The payment will be calculated as follows:

Modifier AH $\text{Base Units} + \text{Time Units (one = 15 minutes)} \times \$8.49 = \text{Payment}$

Modifier AI $\text{Base Units} + \text{Time Units (one = 15 minutes)} \times \$15 = \text{Payment}$

No reimbursement will be paid to a surgeon for the personal medical direction of a CRNA. The anesthesia service will be considered non-medically directed and should be billed as such by the CRNA.

III. Concurrent Medical Direction by the Anesthesiologist

When an anesthesiologist and a CRNA are both involved in the performance of a single anesthesia service, the service will be considered as performed by the anesthesiologist. No separate payment will be made to the CRNA.

An anesthesiologist may bill for personal medical direction only when two or more anesthesia services are being concurrently performed. When the anesthesiologist is involved in directing two or more concurrent anesthesia procedures, the coefficient for the anesthesiologist is \$15 with a percentage reduction of the base units according to the number of CRNAs under his/her personal medical direction. Payment will be computed using the following modifiers and formula:

Modifier AA (Anesthesiologist working alone) $\text{Base Units} + \text{Time Units (one = 15 minutes)} \times \$15 = \text{Payment}$

Modifier AB (Direction of two CRNAs) $\text{Base Units} - 10 \text{ percent} + \text{Time Units (one = 30 minutes)} \times \$15 = \text{Payment}$

Modifier AC (Direction of three CRNAs) $\text{Base Units} - 25 \text{ percent} + \text{Time Units (one = 30 minutes)} \times \$15 = \text{Payment}$

Modifier AD (Direction of four CRNAs) $\text{Base Units} - 40 \text{ percent} + \text{Time Units (one = 30 minutes)} \times \$15 = \text{Payment}$

IV. CPT-4 Procedure Codes Reimbursed on Flat Fee Basis

The following CPT-4 procedure codes will continue to be reimbursed on a flat fee basis. Current billing procedures apply.

| | | | |
|--------|--------|--------|--------|
| 36000 | *36470 | *36625 | *62282 |
| *36010 | *36471 | 36640 | *62284 |
| 36405 | *36490 | 62270 | *62289 |
| *36420 | *36491 | 62273 | *62290 |
| *36425 | 36500 | 62274 | *62291 |
| 36430 | 36600 | 62278 | *62292 |
| *36440 | 36620 | 62279 | |

Under the State Nursing Practice Act, CRNAs do not have the authority to perform the procedures listed above which are marked with an asterisk.

V. Reimbursement for Maternity Related Anesthesia

Maternity related anesthesia will be reimbursed on a flat fee basis at three levels differentiated by the provider personally administering the anesthesia i.e., the anesthesiologist, the CRNA, or the surgeon/delivering physician. The only exception is general anesthesia for vaginal delivery which will continue to be reimbursed according to base units and time units. The flat fee will be paid in accordance with the CPT-4 procedure code and appropriate modifier as follows.

A. CPT-4 Procedure Code 62279 (Epidural for Vaginal Delivery)

1. Anesthesiologist Reimbursement

Use modifier AA, when the anesthesiologist administers the procedure directly. Payment: \$255. Use the appropriate modifier AB, AC, or AD when the anesthesiologist provides personal medical direction of two or more CRNAs. Payment: \$102 for each epidural procedure.

2. Certified Registered Nurse Anesthetist Reimbursement

Use modifier AI if the CRNA did not receive personal medical direction from the anesthesiologist. Payment: \$255. Use modifier AH if the CRNA received personal medical direction from the anesthesiologist. Payment: \$153. In modifier AH billings, the medically directed CRNA receives 60 percent of the anesthesia fee (\$255) for administration and the remaining 40 percent of the fee is paid to the anesthesiologist for personal medical direction of the procedure.

3. Surgeon/Delivering Physician Reimbursement

This provider may bill an epidural for vaginal delivery only when performing the procedure directly from beginning to end without the assistance of an anesthesiologist or a CRNA. If the epidural is inserted by the surgeon/delivering physician, and an anesthesiologist is called to continue administration of anesthesia services, only the anesthesiologist or the CRNA may bill for the epidural. Payment: \$255.

B. CPT-4 Procedure Codes 62276 and 62278 Saddleblock for Vaginal Delivery

1. Anesthesiologist Reimbursement

Use modifier AA, when the anesthesiologist administers the procedure directly. Payment: \$75. Use the appropriate modifier AB, AC, or AD, for personal medical direction of two or more concurrent procedures. Payment: \$30 for each saddleblock procedure.

2. CRNA Reimbursement

Use modifier AI if the CRNA is not personally medically directed by the anesthesiologist. Payment: \$75. Use modifier AH if the CRNA is personally medically directed by the anesthesiologist. Payment: \$45.

3. Surgeon/Delivering Physician Reimbursement

This provider may bill for this procedure only when performing the procedure directly from beginning to end without the assistance of an anesthesiologist or CRNA. Otherwise, only the anesthesiologist or CRNA may bill for the service. Payment: \$75.

C. CPT-4 Procedure Code 59515-Anesthesia for Cesarean Delivery

In situations when a vaginal delivery was anticipated, but the patient suffers complications and delivery is done by Caesarean section, reimbursement for anesthesia services

shall be as follows:

1. Surgeon/Delivering Physician Reimbursement

Use modifier 24 when the surgeon or delivering physician inserts the epidural. Payment: \$132.

2. The anesthesiologist or CRNA called in to continue administration of the anesthesia after the epidural was inserted shall bill in one of the following two ways. The way chosen must be substantiated by the anesthesia and operative reports.

Use modifier 25 when the anesthesiologist or the CRNA continues the anesthesia after the epidural was inserted. Payment: \$198.

Use the applicable modifier, either AA, AH, or AI, if the anesthesiologist or CRNA administers general anesthesia after the epidural was inserted. Payment is \$330 for modifiers AA or AI. Payment is \$198 for modifier AH.

Use the applicable modifier AB, AC, or AD if the anesthesiologist provides medical direction of additional procedures. Payment is \$132 for the Cesarean delivery. Under no circumstances shall billings be submitted for both continued administration and general anesthesia. This is the only situation in which the fee for maternity related anesthesia is split.

Modifier 47 shall not be used with procedure code 59515 when billing for anesthesia services.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

Current federal law requires states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified effective April 1, 1990. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screen whether or not the service is included in the state's Medicaid plan must be covered.

A number of the services covered under the Title XIX State Plan contain service limitations which must, under the new regulations, no longer be applicable to the under-21 population of Medicaid recipients. Among the service limits to be removed for this group are the inpatient hospital stay limitation of 15 days, the outpatient hospital emergency room limitation of three visits annually, the physician office visit

maximum of 12 visits annually and physician hospital visit maximum of one per day, and the home health maximums of 50 visits annually and daily limitation of one nurse and one nurse aide visit per day.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective May 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 5, page 387 on May 20, 1990 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on August 20, 1990 (Volume 16, No. 8, page 723).

RULE

The following limitations on services shall not apply to Medicaid-eligible recipients under the age of 21:

1. Inpatient Hospitalization Stay Limits
2. Outpatient Hospital Emergency Room Limits
3. Physician Office Visit Limits
4. Physician Hospital Visit Limits
5. Home Health Annual Visit Limits
6. Home Health Daily Limits on Nursing and Nurse Aide Services

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

Previous federal regulations required states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), additional regulations pertinent to the EPSDT Program are specified effective April 1, 1990. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screening whether or not the service is included in the state's Medicaid plan must be covered.

Durable Medical Equipment policy specifies the equipment and supplies available through that program, and the conditions under which pre-approval by the bureau's Prior Authorization Unit is granted. However, under the provisions of OBRA '89, it is anticipated that devices not previously reimbursable will be requested and must be approved when medically necessary for Medicaid-eligible children. Because of the immense range of possible equipment and sup-

plies which could be needed, the spectrum of pricing, and the variety of medical conditions potentially requiring some type of DME product, the bureau shall formulate specific methodology as necessary. The bureau shall provide notice as available to providers who participate in Title XIX reimbursement with updated lists reflecting the criteria to be utilized in determining medical necessity for such products.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective May 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 5, page 386 on May 20, 1990 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on August 20, 1990 (Volume 16, No. 8, page 721).

RULE

Medically necessary durable medical equipment required for Medicaid-eligible recipients under the age of 21 shall be reimbursed when required to treat a medical condition. Prior authorization for these products shall continue to be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program effective September 1, 1990.

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, Dated July 31, 1987, pages 28648 - 28658. Under the Health Care Financing Administration's interpretation of these regulations, a state may not provide for reimbursement of dispensing costs through its drug reimbursement methodology. Based upon this interpretation, the state was mandated to move away from payment of drug cost based upon average wholesale prices and begin applying a 10.5 percent reduction to the compendia price of all single source drugs. Because the state has utilized unmodified average wholesale pricing as a mechanism of maintaining reasonable and adequate reimbursement of dispensing costs, movement away from this reimbursement methodology has required continuing monitoring of the adequacy of its dispensing reimbursement to remain in compliance with §1902(a)(30) of the Social Security Act. This statutory provision mandates that reimbursement be reasonable and adequate to reimburse efficiently and economically operated providers the costs which they must incur in providing medical services in accordance with the requirements of both state and federal governments.

To assure reimbursement remains reasonable and adequate, the bureau must review dispensing cost data and assess the adequacy of reimbursement in terms of current dollar values. This is accomplished through revision of the last audit report data on dispensing costs to account for inflation and comparing reimbursement of dispensing cost with other service reimbursement methodologies covered under the approved Title XIX State Plan agreement with the federal government. The bureau has analyzed dispensing cost based on a representative grouping which includes 67 percent of participating pharmacies to assess the reasonableness and adequacy of its current reimbursement for dispensing cost. In order for the current reimbursement methodology to remain reasonable and adequate, the bureau is required to increase its maximum limitation on dispensing costs to \$4.68. Without this increase, the state cannot assure compliance with the mandatory provisions of §1902(a)(30) of the Social Security Act and will be in violation of mandatory federal requirements for establishing and maintaining adequate reimbursement for medical vendor services. This rule is necessary to implement mandatory federal statutory and regulatory provisions.

RULE

The bureau shall pay a dispensing fee on each Title XIX prescription of no more than \$4.68. This dispensing fee paid on a prescription shall be subject to reimbursement limitations adopted by the bureau for payment of Title XIX prescription drug services.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Skilled Nursing Facility/Technology Dependent Children (SNF/TDC) services are covered under the state's Title XIX Medical Assistance Program in accordance with all applicable federal and state rules and regulations. Currently, participating provider reimbursement is limited to \$85 per diem, subject to established SNF payment limitations, standards for participation, and standards for payment with additional requirements applicable to the SNF/TDC provider type. The rule implementing these requirements was published in the November 20, 1989, issue of the *Louisiana Register*, Page 976. It has come to the bureau's attention that current payment levels for treatment/care for technology dependent children in skilled nursing facilities may be a barrier to the receipt of covered SNF level services. Some skilled nursing facilities are unable to continue providing care to these medically stable 24-hour ventilator dependent patients, age 18 or younger, in need of intensive nursing services, because of the present level of reimbursement. Based on a review of

SNF/TD reimbursement, the state is increasing the level of reimbursement to \$140 per diem. Emergency rulemaking is necessary to increase the level of reimbursement immediately to assure the delivery of necessary services to technology dependent children and thus prevent imminent peril to the health and welfare of these children who are dependent on continuous medical care.

RULE

Skilled Nursing Facility/Technology Dependent Children (SNF/TDC) services shall be capped at \$140 per diem, subject to the established SNF payment limitations, standards for participation, and standards for payment with the additional requirements for this Title XIX provider type. At the end of the facility's cost reporting period, the facility shall file a separate long-term care facility cost report or segregate such costs from other nursing services provided, which cost report shall be subject to audit. When audited cost is below the per diem limit, the bureau shall charge back the calculated overpayment amount. No additional payment shall be made for audited cost which exceeds the per diem cap. All participating facilities will be expected to work closely with the bureau to insure that services are provided at the most cost-effective rate.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medicaid Program.

Current federal law requires states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Under OBRA '89, screenings, vision services, dental services, and hearing services must have distinct periodicity schedules which meet reasonable standards of medical practice, as determined by the state after consultation with recognized medical organizations involved in child health care. Louisiana has not had a distinct screening schedule for vision and hearing although it is included in the medical screening protocol.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective May 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 5, page 388 on May 20, 1990 rela-

tive to this provision. The rule was published as a notice of intent in the *Louisiana Register* on August 20, 1990 (Volume 16, No. 8, page 724).

RULE

Vision and hearing services for Medicaid-eligible Early and Periodic Screening, Diagnosis, and Treatment recipients under the age of 21 shall be performed according to distinct periodicity schedules which meet reasonable standards of medical practice, as determined after consultation with recognized medical organizations involved in child health care.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of the Secretary

Bureau of Licensing and Quality Assurance

The Department of Social Services, Office of the Secretary, Bureau of Licensing and Quality Assurance is by emergency rule adopting the following rule. This emergency rule is to comply with 42 USCA 602(g) and 42 CFR 255.5 as implemented in regard to child care in Louisiana by the "Child Care Registration Law" (R.S. 46:1441-1441.12) signed July 25, 1990. The emergency is due to the effective date of the Welfare Reform Act which becomes effective October 1, 1990. Child care is to be provided by a licensed Class A Day Care Center or registered home prior to receiving monies from the Department of Social Services.

RULE

All family child day care homes that care for unrelated child(ren) shall be registered prior to receiving state or federal funds from the Department of Social Services.

All family child day care homes that care for only related child(ren) shall be considered registered with the Department of Social Services upon receipt of the application form until "Disapproval for Registration" is received from the Office of the State Fire Marshal.

Any child day care home that does not meet the definition of a child day care center shall be required to be registered with the Department of Social Services.

LICENSURE

Child day care centers are to be licensed in accordance with R.S. 46:1401-1424 (The Child Care Licensing Law). A child day care center is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of seven or more children not related to the caregiver and unaccompanied by parent or guardian, on a regular basis for at least twenty hours in a continuous seven day week.

The rule for the licensing of a day care center is contained in the Louisiana Administrative Code Title 48 Chapter 53 §§5301-5377. A copy of this rule may be obtained from the licensing section of the Department of Social Services for a printing and handling fee.

A Class A licensed day care center may receive local, state or federal funds.

A Class B licensed day care center shall not receive local, state, or federal funds directly or indirectly in accordance with R.S. 45:1412(D).

REGISTRATION

Family child day care home means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any group for the primary purpose of providing care, supervision, and/or guidance to six or fewer children of ages 12 years or less.

All family child day care homes that receive state or federal funds, directly or indirectly through the Child and Adult Care Food Program, the Family Support Act of 1988 or any other state or federal funding program shall be registered if not already licensed as a Class A day care center.

All family child day care homes which were a part of a sponsoring agency on September 1, 1990 shall automatically be considered registered with the Department of Social Services.

Sponsoring agency means any private, public, for profit or nonprofit corporation, society, agency, or any other group approved by or contracted with the Department of Education to coordinate homes participating in the federal Child and Adult Care Food Program.

Individuals that provide care for only related family members shall not be required to be registered within the time period established by the appropriate agency. This exception means that individuals that provide care for only related family members shall be considered registered with the department upon receipt of the application to register.

All other requirements shall be registered upon completion of the registration procedure.

REGISTRATION PROCEDURE

This application form must be completed and signed by the registrant:

APPLICATION FOR REGISTRATION

NAME: _____
FIRST MIDDLE LAST

SOCIAL SECURITY NUMBER _____

LOCATION ADDRESS _____
HOUSE NUMBER/APT. NUMBER, STREET/HWY NAME

CITY, STATE, ZIP _____
CITY, STATE, ZIP

MAILING ADDRESS _____
P. O. BOX NUMBER OR SAME AS ABOVE

CITY, STATE, ZIP _____
CITY, STATE, ZIP

TELEPHONE NUMBER OF REGISTRANT _____
AREA CODE PHONE NUMBER

ONLY ONE OF THE SPACES BELOW MAY BE CHECKED/ONE MUST BE CHECKED:

I WILL ONLY CARE FOR RELATED CHILD(REN) _____ ;
I WILL CARE FOR BOTH RELATED CHILD(REN) AND UNRELATED CHILD(REN) _____ .

I WISH TO APPLY AS A REGISTERED CHILD DAY CARE PROVIDER. I WILL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS. I WILL PERMIT PARENTS TO SEE AND BE WITH THEIR CHILDREN AT ALL TIMES. I CERTIFY BY MY SIGNATURE THAT I HAVE NEVER BEEN CONVICTED OF A FELONY AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED _____
SIGNATURE OF REGISTRANT/APPLICANT

PRINTED OR TYPED SIGNATURE _____
PRINTED OR TYPED SIGNATURE

DATE _____
(DSS/RF1)(9/9/90)

This completed application form is to be sent to:
Department of Social Services
Quality Assurance Section
P.O. Box 44367
Baton Rouge, Louisiana 70821

Any change(s) in the application form submitted to the Department requires the submission of another application form.

The Department of Public Safety, Office of the State Fire Marshal will make an on-site visit to the location given on the application form by the registrant.

During the on-site visit the Department of Public Safety, Office of the State Fire Marshal will collect a fee for the inspection. Part of this fee will be sent by the Office of the State Fire Marshal to the Department of Social Services for processing expenses.

The Office of the State Fire Marshal will make an on-site inspection (both for the Department of Health and Hospitals, Office of Public Health and the Department of Public Safety, Office of the State Fire Marshal) using an agreed upon checklist of health and safety standards to assure that health and safety standards are met at the location given on the application form by the registrant.

The registrant must meet all health and safety standards of, pass the inspection by, and obtain approval of the Office of Public Health and the Office of the State Fire Marshal.

The Department of Public Safety, Office of the State Fire Marshal, will send either a "recommendation for registration" or a "disapproval for registration" to the licensing section of the Department of Social Services. The registration of the applicant becomes effective upon the date of receipt of the "recommendation for registration" from the State Fire Marshal.

The applicant will be sent a registration certificate by the licensing section of the Department of Social Services.

Registered homes shall be open to inspection by the Department of Public Safety and/or the Department of Social Services, parents, and by other authorized inspection personnel during normal working hours or when children are in care.

The Department of Social Services shall have the authority to deny, revoke, or refuse to renew a registration or licensure of a registered or licensed home if an applicant has failed to comply with the provisions of the Child Care Registration Law, any applicable published rule or regulation relating to registered homes, state fire marshal regulations, or any other state, federal, local, or sponsoring agency rule or regulation or license. If a registration or license is denied, revoked, or withdrawn, the action shall be effective when made and the Department of Social Services shall notify the applicant or registrant of such action by registered letter immediately. The letter shall give the reason for the denial, revocation, or withdrawal of the registration or license. The Department of Social Services shall also notify the sponsoring agency and other state agencies as deemed necessary.

Upon the refusal of the Department of Social Services to grant a registration or license or upon the revocation of a registration or licensure, the agency, institution, society, corporation, person or persons, or other group having been refused a registration or license or having had a registration or license revoked shall have the right to appeal such action by submitting a written request to the secretary of the Department of Social Services within 30 days after receipt of the notification of the refusal or revocation. The appeal hearing shall be held no later than 30 days after the request therefor, except as provided in the Administrative Procedure Act, and shall be conducted in accordance with applicable regulations of the Department of Social Services and the provisions of LRS 46:107. This provision shall in no way preclude the right of the party to seek relief through mandamus

suit against the Department of Social Services, as provided by law.

The Department of Social Services shall remove any child or all children from any registered or licensed home when it is determined that one or more violations exist within the home which places the health and well-being of the child or children in imminent danger, provided, however, that a contradictory hearing shall be held within seven days thereafter by the appropriate district court to determine whether the action was justified and whether and how long it shall continue.

May Nelson
Secretary

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of the Secretary

Under the authority of R.S. 49:953B, the Department of Transportation and Development has by emergency rule adopted the following specifications for gasohol or 10 percent ethanol enriched gasoline.

This rule, effective September 20, 1990, is being implemented by emergency rule in order that Louisiana rules in this matter conform with rules nationwide.

Title 73

WEIGHTS, MEASURES, STANDARDS Part III. Weights and Measures

Chapter 1. Fuel Specifications

§109. Specifications for Gasohol or 10 Percent Ethanol Enriched Gasoline

Amended Specifications for Gasohol or 10 percent Ethanol Enriched Gasoline

1. General Description: This specification covers a mixture of gasoline and ethanol in a 90-10 volume mixture for use in automotive internal combustion engines. A green dye shall be used in this mixture to color it so as to differentiate it from normal gasoline qualified for Louisiana tax exemption.

2. Detailed Requirements: Gasohol or 10 percent ethanol enriched gasoline shall conform to the following detailed requirements:

| | |
|--------------------------------|-------------------------|
| Property | |
| Ethanol, % | 9.5-13.0 |
| Gasoline, % | 87-90.5 |
| Flash Point, Deg.F, max. | 110 |
| Suspended Matter | None |
| Water, %, max. | 0.30 |
| Sulphur, %, max. | 0.25 |
| Reid Vapor Pressure, lbs. max. | 13.5 |
| Methanol, % max. | 1.0 |
| | Reg. Unleaded (87) |
| Octane Number, $\frac{R+M}{2}$ | Reg. Leaded (89) |
| | Premium (91) |
| | Mid-Grade Unleaded (89) |

Distillation Data

| | |
|--|------|
| Percent Distilled (0-167) Deg.F, min. | 10 |
| Percent Distilled (158-284) Deg.F, min. | 50 |
| Percent Distilled (285-392) Deg.F, min. | 90 |
| Residue, %, max. | 2.0 |
| Recovery, %, min. | 95 |
| End Point, Deg.F, max. | 437 |
| Purity | 99.0 |
| Effects on seals, gaskets, packing | None |
| Effects on human flesh | None |
| Chemicals used to denature alcohol, %, max. | 5.0 |
| Water, %, max. | 1.0 |

3. Labeling on the face of the pumps with the word gasohol or 10 percent ethanol enriched gasoline using black letters at least one inch in height on yellow background is required.

4. Methods of blending at jobber top-loading rack: Loading arm must be equipped with the drop pipes and flow detectors. Fill the tank truck compartment 90 percent of the compartment's volume with gasoline. Complete the filling of the compartment with 10 percent ethanol. Due to the slow loading rate of jobbers' racks, it is recommended that the alcohol and the gasoline be at approximately the same temperature.

5. Methods of blending at bottom-load terminals: Fill the transport compartment 10 percent of compartment's volume with alcohol. Bottom-load to the compartment's capacity with gasoline. The difference in products' temperature is not as critical here as in tank wagon top-loading.

6. Storage stability in previously used gasoline tanks: The alcohol in gasohol or 10 percent ethanol enriched gasoline will remove, very efficiently, varnish, oxidized gasoline, and rust from the inside of previously used gasoline tanks. Because of this fact, any tank must be rested for 24 hours and the bottom thieved before this product can be dispensed. Due to the vapor pressure of this product, it is recommended that a P-V vent be placed on all tanks which have a slow product withdrawal rate in order to protect and maintain the octane number. It is a #548A 2-inch thread 16-ounce pressure, 1-ounce vacuum #6 mesh screen. The standard vapor recovery P-V vent is not applicable for gasohol or 10 percent ethanol enriched gasoline service.

7. Storage stability in new gasoline tanks: Any new tank must be graded down three inches to the fill stack at the "A" end of the tank. This is so that the water bottom can be thieved out. The suction stub should not be any further than three inches from the bottom of the tank. Under no circumstances should a fill stack be placed in the center of the tank unless an opening is provided to thief the tank at the low ("A") end. Due to the high vapor pressure of alcohol blending stocks, a P-V vent should be placed on the vent riser discharge. All fill stacks must have interior drop tubes. All gasohol or 10 percent ethanol enriched gasoline storage tanks over 1,500 gallons must also have drop tubes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:714.1 and R.S. 51:781-801.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 10:546 (July 1984), amended LR 11:781 (August 1985).

Neil L. Wagoner
Secretary

DECLARATION OF EMERGENCY

Department of the Treasury Bond Commission

The Louisiana State Bond Commission amended the commission's rules as originally adopted on November 20, 1976.

The commission amended Rule No. 15 of the original commission rules and increased the maximum amount of authorized lines of credit as follows:

15. Line of credit - A line of credit is an authorization to a state agency to proceed with a project and draw from the State Treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the commission shall be \$140,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold, lines of credit have been granted, or a certificate of impossibility and impracticality has been issued for all projects of higher priority as stated in the comprehensive capital budget adopted by the Legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the commission shall deem an item to be an emergency matter.

Monies advanced on a line of credit for any project shall be spent only in accordance with the description in the bond authorization act authorizing bonds to be issued for that project.

Prior to the execution of any contract or agreement obligating the expenditure of monies received by any state department or agency or any other entity from line of credit funds, the Attorney General's office shall be requested to review such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds thereunder is for the purpose of furthering the applicable project adopted by the Legislature. If given, such prior approval by the Attorney General's office shall be in writing to the appropriate state department, agency or other entity with a copy to be furnished to the State Bond Commission.

Should the Attorney General's office determine that the proposed expenditure of line of credit funds not be in order, no funds may be used to pay obligations which may be incurred if such contracts are executed after an adverse conclusion by the Attorney General's office.

All approvals of lines of credit shall be conditioned on compliance by the state department, agency or other entity with the aforementioned procedure, and it shall be their duty to request approval from the Attorney General's office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit,

and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the commission to the Attorney General's office and the District Attorney's office.

This emergency rule is necessary to ensure continued construction and funding of all projects heretofore begun and contained in Priority 1 of the current Capital Outlay Act, Act No. 853 of the 1990 Regular Session of the Louisiana Legislature, and for which lines of credit have been previously authorized. This emergency rule shall expire at the time of delivery of the 1990 Series General Obligation Bonds.

This rule is effective immediately.

Mary L. Landrieu
State Treasurer and Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provision of R.S. 49:953B and in order to establish rules and regulations mandated by R.S. 56:111.1 passed during the 1990 legislative session, the secretary of the Louisiana Department of Wildlife and Fisheries and Louisiana Wildlife and Fisheries Commission hereby finds that the public welfare is best served by adopting the following emergency rule prior to the 1990-91 deer season. The emergency rule shall establish criteria pertaining to the marking of property enrolled in the department's voluntary Deer Management Assistance Program that will allow cooperators to prosecute trespassers for taking wildlife from these posted lands. Rules and regulations shall be as follows:

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Birds and Wild Quadrupeds

Chapter 1. Wild Quadrupeds

§109. Regulation for Signs and Sign Placement for DMAP Cooperators

Rules and regulations to comply with R.S. 56:111.1 relative to the Deer Management Assistance Program and which will prohibit unauthorized persons from taking game on Deer Management Assistance Program areas are as follows:

Sign Color: Orange

Size: 11 1/4" x 11 1/4"

Lettering: The words DMAP and Posted can be no less than 4" (four inches) in height.

Construction: Metal, wood, plastic, paper or other material

Placement: Signs will be placed no more than 200' (two hundred feet) apart and at each point of entry.

The provisions of this Act are applicable only to clubs enrolled in the Deer Management Assistance Program and participation with the requirement of R.S. 56:111.1 are optional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:111.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 16:

The Louisiana Wildlife and Fisheries Commission and Louisiana Department of Wildlife and Fisheries will effectuate a permanent rule that will implement these regulations beyond the 120-day period by a declaration of emergency.

Warren Pol
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:6 and 115, the Wildlife and Fisheries Commission hereby finds that an imminent peril to public welfare exists and accordingly adopts the following emergency rule:

That portion of Orleans Parish east of the Jefferson-Orleans Parish line, northward to the southern shoreline of Lake Pontchartrain, northeast along the southern shoreline of Lake Pontchartrain to South Point, east-southeast along the southern shoreline of Lake Pontchartrain to Chef Menteur Pass, the southern shoreline of Chef Menteur Pass eastward to the western shoreline of the Intracoastal Waterway, the western shoreline of the Intracoastal Waterway southward to the Industrial Canal, the Industrial Canal south to the Mississippi River, and the Mississippi River to the Orleans-Jefferson Parish line shall be closed to all shooting or hunting, by any means or device, until further notice, effective September 7, 1990.

The commission finds that above closure is necessary for reasons of public safety and recreation; and further due to the fact that this portion of Orleans Parish is included in city municipal ordinances that prohibit the discharge of all firearms, and said area is adjacent to Bayou Sauvage National Wildlife Refuge wherein hunting activities are prohibited. The commission further finds that this action is necessary to enhance enforcement of hunting restrictions in the general area.

Warren I. Pol
Chairman

Rules

RULE

Department of Economic Development Office of Commerce and Industry

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby adopting LAC 13:721 E for the Louisiana Certified Capital Companies Tax Credit Program, R.S. 51:1921-1932.

Title 13 ECONOMIC DEVELOPMENT Part I. Commerce and Industry Subpart I. Finance

Chapter 7. Louisiana Capital Companies Tax Credit Program

§721. Transfer or Sale of Income Tax Credits

E. The transfer or sale of income tax credits, pursuant to R.S. 51:1924 F., will be restricted to transfer or sale between affiliated companies. The secretary of economic development shall approve all such transactions involving income tax credits. Companies shall submit in writing, to the secretary, all requests for the transfer or sale of income tax credits. Affiliated companies are defined as two or more companies related through common ownership; or, two or more corporations closely related through stock ownership.

Harold Price
Acting Secretary

RULE

Department of Economic Development Office of Commerce and Industry

The Department of Economic Development, Office of Commerce and Industry adopted the following rule in accordance with the authority given in the Administrative Procedure Act, R.S. 49:950, et seq.

Title 13 ECONOMIC DEVELOPMENT Part III. Office of Commerce and Industry

Chapter 9. Louisiana Industrial Training Program

§901. Eligibility

- A. Applicant must be a manufacturing firm.
- B. Applicant must apply for a minimum of 10 net-new, permanent manufacturing jobs that are classed as entry-level unskilled.
- C. Applicant must assign a supervisor/instructor to at least 10 trainees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§903. Preference

A. Preference will be given to applicants locating in a parish which has an unemployment rate higher than the state average.

B. Secondary preference will be given to companies in targeted Standard Industrial Classification (SIC) Codes. The target industries for any particular fiscal year shall be determined by the secretary of economic development in June of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§905. Method and timing of application

A. An application shall be submitted for approval to the development supervisor for the Department of Economic Development, Office of Commerce and Industry.

B. The application shall include a manning table setting forth job titles, number of employees per job title and hourly wage per job title. A maximum of 10 percent deviation in the proposed manning table will be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§907. Contract and Monitoring

A. A contract shall be executed between the state of Louisiana and a local approved non-profit economic development organization from the same geographical area as the site location of the applicant on behalf of the applicant industry.

B. The non-profit corporation shall monitor the progress of training under the contract and report to the development supervisor who shall also monitor the progress of the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§909. Method of Payment

A. Payment to the non-profit monitor shall be reimbursable from an invoice which shows: name of supervisor(s), Social Security number, number of weeks worked, and weekly rate. Instructors will be paid for a maximum of 40 hours per week.

B. All invoices shall be accompanied by a statement which shows: names of trainees, Social Security number, employment status at time of hiring, sex, race, previous wage rate and current wage rate.

C. Invoices shall be submitted at the end of the training period if that period is seven weeks or less. Invoices shall

be submitted monthly if the training period is seven weeks or more.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§911. Location of Training

A. All training locations shall be in Louisiana.

B. Exceptions to this may be made at the discretion of the secretary of economic development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

§913. Amount of Training Grants

A. On-the-job training grants will be calculated at \$200 per job.

B. Pre-employment training grants will not exceed \$70,000.

C. Exceptions to this may be at the discretion of the secretary of economic development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:619 (August 1989), amended LR 16: (September 1990).

Harold Price
Assistant Secretary

RULE

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part III. Personnel, Registration and Licensing

Chapter 57. Association's Duties and Obligations

§5727. Access by Commissioners

Commission members and its representatives shall have the right to full and complete entry to any and all points of the grounds of any association or its other facilities. All racing associations shall recognize and honor buttons issued by the Association of Racing Commissioners International, Inc. and parking permits issued by the Louisiana State Racing Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 153.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:434 (December 1976), repromulgated LR 3:30 (January 1977), LR 4:278 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part V. Racing Procedures**

Chapter 83. Appeals to the Commission

§8305. Deposit for Expenses

A deposit of not less than \$50 nor more than \$500 may be required by the commission to defray the necessary expenses of witnesses called and necessary equipment required by the commission upon appeal to the commission by the stewards' final rulings. If the commission upholds the stewards' ruling, the commission shall retain the full deposit. If the commission finds in favor of the appellant, the deposit shall be returned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, 148 and 197.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 4:289 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part III. Personnel, Registration and Licensing**

Chapter 57. Association's Duties and Obligations

§5711. First Aid Room

Each association shall provide, equip and operate an adequate first aid room within its enclosure, having not less than two beds therein except such enclosure of an association for which approval thereof has been given by the commission on or prior to June 1, 1983. Each such first aid room shall have in attendance during the training and racing hours of such association, a licensed physician and a registered nurse or a licensed practical nurse or one registered paramedic and one certified emergency medical technician with not less than one year experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:434 (December 1976), repromulgated LR 3:30 (January 1977), LR 4:278 (August 1978), amended LR 9:546 (August 1983), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE
Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1737. When Horse Found Drugged

Should the chemical analysis of any sample of the blood, saliva, urine or other excretions of body fluids of a horse contain any prohibited drug or substance of any description, not permitted by LAC 35:I.1501 et seq., or prohibited by LAC 35:I.1719, the trainer of the horse may, after a hearing of the stewards, be fined, suspended or ruled off, if the stewards conclude that the prohibited drug or substance contained in the sample could have produced analgesia in, stimulated or depressed the horse, or could have masked or screened a drug or substance, not permitted by LAC 35:I.1501 et seq., or prohibited by LAC 35:I.1719, that could have produced analgesia in, stimulated or depressed the horse. The stable foreman, groom and any other person shown to have had the care or attendance of the horse may be fined, suspended or ruled off. The owner or owners of a horse so found to have received such administration shall be denied, or shall promptly return, any portion of the purse or sweepstakes and any trophy awarded to such horse, and the said purse, sweepstakes, and any trophy shall be distributed as in the case of a disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 141.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, repromulgated LR 2:449 (December 1976), amended LR 3:45 (January 1977), repromulgated LR 4:287 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLI. Horseracing Occupations

Chapter 5. Assistant Trainers and Other Employees

§515. License Required for Activities

No person requiring a license from the commission shall carry on any activity whatsoever upon the premises of a licensed association unless and until he has been duly licensed. The commission will accept the Association of Racing Commissioners International, Inc. uniform owner's application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 169.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971,

amended LR 2:428 (December 1976), promulgated LR 3:24 (January 1977), repromulgated LR 4:274 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1719. Masking Agents

The use of any drug or substance, regardless of how harmless or innocuous it might be, which by its very nature might mask or screen the presence of a prohibited drug as provided in the rules of racing is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, repromulgated LR 2:449 (December 1976), LR 3:44 (January 1977), LR 4:287 (August 1978), LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part III. Personnel, Registration and Licensing

Chapter 19. Racing Officials

§1903. Monetary Interests Prohibited

No person while licensed and/or serving as a racing official shall own an interest in (i) a horse that races at a race meeting where he is employed, (ii) a jockey contract, or (iii) an association under his supervision. Nor shall any such person buy or sell, or cause to be bought or sold for himself or another, any thoroughbred, quarter horse or Appaloosa under his supervision. nor shall any such person wager on any race under his supervision. No such person shall write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associations.

For the purposes of this section only, "racing official" as used herein shall mean and include a: (1) steward, (2) placing judge, (3) patrol judge, (4) paddock judge, (5) clerk of scales, (6) starter, (7) assistant starter, (8) handicapper/racing secretary, (9) assistant racing secretary, (10) track superintendent, (11) general superintendent, (12) jockey room custodian, (13) valet, (14) outrider, (15) jockey, (16) identifier, (17)

association and state veterinarian, (18) official state chemist (including the persons under his supervision), (19) member of the State Police Racing Investigations Unit, (20) director of racing, and (21) stall superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:424 (December 1976), repromulgated LR 3:20 (January 1977), LR 4:271 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

Title 35 HORSE RACING Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1743. Possession of Drugs, Syringes or Needles

No person shall have in his possession, within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary (off-track) stable area, where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting, any prohibited drugs, hypodermic syringes or hypodermic needles or similar instruments which may be used for injection. Anything herein to the contrary notwithstanding, a licensed veterinarian may have in his possession such drugs, instruments or appliances, etc., as required in the practice of general veterinary medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 141.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, repromulgated LR 2:449 (December 1976), amended LR 3:45 (January 1977), repromulgated LR 4:288 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XLI. Horseracing Occupations

Chapter 21. Stables

§2101. Stable Name

All stable names shall be cleared with the Association of Racing Commissioners International, Inc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:429 (December 1976), promulgated LR 3:26 (January 1977), repromulgated LR 4:275 (August 1978), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

Title 35 HORSE RACING Part I. General Provisions

Chapter 15. Permitted Medications

§1511. Violations

After notice and hearing, any person found to have violated the provisions of the permitted medication rule may be punishable by fine and/or suspension and/or revocation of his/her license. Any owner or owners of a horse found to be in violation of the permitted medication rule shall be denied, or shall promptly return, any portion of the purse or sweepstakes and any trophy in such race, and the same shall be distributed as in the case of a disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 142.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 6:174 (May 1980), amended LR 9:548 (August 1983), amended LR 16: (September 1990).

Claude P. Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Amend Nonpublic Elementary Summer School Standards

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Bulletin 741-Nonpublic Elementary Summer School Standards

6.113.09. Instruction — A student attending summer school for promotional purposes shall not enroll for more than two subjects.

6.113.12. Attendance — The minimum attendance for all elementary students to receive credit or pass a subject

shall be 60 hours for one subject.

The school may impose a more strict minimum attendance policy.

6.113.14. Time Requirements — A summer school term shall be operated for a minimum period of 35 days (five days per week for seven weeks).

6.113.15. Daily time requirements are as follows:

| Program | 35 days | Total Hours |
|-------------------------|----------------------|-------------|
| Removal of Deficiencies | 120 min. per subject | 70 |

Two subjects may be taken in summer school for the removal of deficiencies.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 746, Part B
Vocational and Technical Personnel

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendments to Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, Part B, Vocational-Technical Personnel-Postsecondary

The major changes in the document which may be seen in its entirety in the Office of Vocational Education in the State Department of Education, are:

1. A new certification requirement for:
 - a. special program coordinator
 - b. curriculum coordinator
 - c. adult basic education/GED instructor.
2. Types of certificates
 - a. intern vo-tech certificate
 - b. one-year temporary vo-tech certificate
 - c. five-year renewable vo-tech certificate
3. Occupational Competency
 - a. licensing/certification: a valid state and/or national license or certification for specific programs;
 - b. testing programs: occupational competency requirement covers all program areas that do not require a license or degree. The instructor must pass the written portion of the National Competency Test prior to being hired. During the first year, the instructor must pass the performance phase of the National Occupational Competency Test.
4. Course Requirements
 - a. All vocational and technical personnel must complete the New Instructor Workshop Course (three semester hours). Instructors with a high school diploma must earn each year at least three VTIE semester hours until a minimum of 18 hours have been completed (six hours must be the two required VTIE core courses) and 12 hours selected from the approved list of VTIE courses. Instructors with a degree must earn 12 semester hours on the same basis.

Instructors with a degree in education must earn nine hours on the same basis.

5. Renewal of Certificates

- a. completion of the New Instructor Workshop
- b. completion of the 18 VTIE semester hours
- c. recommendation of the appropriate administrator
- d. accumulation of 150 professional development points in a five-year period.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Pupil Progression Guidelines

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans §907. Pupil Progression and Remedial Education

A. Bulletin 1566

1. Bulletin 1566, Pupil Progression Guidelines, including revised regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program is revised.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4; R.S. 17:394-400.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education LR 16: (September 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Drug-Free Schools and Communities State Application

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans §945. State Plan for Drug-Free Schools

A. The Drug-Free Schools and Communities State Ap-

plication is an application for federal financial assistance under Part B of the Drug-Free Schools and Communities Act of 1986. This application covers programs to be funded from federal fiscal year 1990, 1991, and 1992 appropriations and becomes the State Plan for the Drug-Free Schools and Communities Program which provides guidelines for implementation of the program.

B. The objectives of this program are to address the needs of high-risk youth by providing programs of coordinated services such as teaching parents how to develop intervention strategies; teaching youth how to develop prevention strategies; training drug prevention peer leader teams; training church leaders (counselors, pastors, and youth directors) how to address drug prevention, intervention and counseling; training school personnel in youth suicide prevention methods; training youth to develop positive attitudes toward life, work and self (develop skills that promote self and positive social development); training parents and youth how to develop positive communication skills designed to reduce negative peer pressure; disseminating drug abuse information in the minority community; and providing technical assistance to enable other groups to attain drug prevention goals.

AUTHORITY NOTE: Promulgated in accordance with P.L. 99-570, as amended by P.L. 100-297 and P.L. 100-690.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16: (September 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Education Majors Program

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 921:
8(g) Policy and Procedure Manual

E. Education Majors Program

This program will provide scholarships to academically talented students who will obtain a bachelor's degree in education which will qualify them to become certified classroom teachers.

Regulations for the Education Majors Program are incorporated into Bulletin 921. See June, 1990 issue of the *Louisiana Register* for complete text of this program.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendments to Nonpublic School Standards

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 741 -
Nonpublic School Standards

Beginning with the 1990-91 school year, Introduction to Algebra shall be required in the area of mathematics for all eighth grade students.

Credit in Integrated Algebra/Geometry can count as one of the three units in mathematics required for high school graduation.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Post-Baccalaureate Scholarship Program

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 921:
8(g) Policy and Procedure Manual

D. Post-Baccalaureate Scholarship Program

The Post-Baccalaureate Scholarship Program (FY 90-91) will provide scholarships for an alternative certification program to persons holding a bachelor's degree in fields other than education.

Guidelines for the Post-Baccalaureate Scholarship Program are incorporated into Bulletin 921. See June, 1990 issue of the *Louisiana Register* for complete text of guidelines.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

State Plan for the Administration of
Vocational Education FY 1991-1992

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent pub-

lished June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§939. Vocational Education State Plan

A. The Program Plan for the Administration of Vocational Education, FY 1991-92 is adopted.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-524; R.S. 17:6(A)(2); R.S. 17:7(3); R.S. 17:24(C); R.S. 17:2034.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 16: (September 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Revised Policy on Collecting Tuition Fees
for Technical Institutes

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 15. Vocational-Technical Education

§1523. Students

E. Fees for Louisiana Residents

9. Each technical institute shall follow the administrative guidelines as established by the State Department of Education, Office of Vocational Education, for the internal fiscal and accounting procedures for both the collection and accountability of all self-generated funds.

a. All self-generated funds shall be deposited daily as required by R.S. 49:308 and the Financial Accountability Control System (FACS) Procedures Manual, Section III F-2.

b. Registration, tuition, and reenrollment fees may be paid by check, money order, or cash.

c. All fees, other than registration, tuition, and reenrollment, shall be paid by certified check, money order or cash only, i.e. textbooks, canteen sales, supplies, etc.

10. All technical institutes may collect tuition fees in advance on a monthly, quarterly, term, semi-annual, or annual basis. All tuition fees for specialized training programs shall be collected by the first day of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(3); R.S. 17:1997.1; R.S. 17:1997.2; R.S. 49:308.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 16: (September 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Tuition Exemption Continuing Education
Program for VTIE Teachers

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 921: 8(g) Policy and Procedure
Manual

C. Tuition Exemption: VTIE Teachers

Under:

VII. COLLEGES AND UNIVERSITIES PROCEDURES

Add:

A. The college or university shall accept the application for tuition exemption only if the application form has a VTIE stamp and has received prior approval from the Department of Education, Office of Vocational Education, Postsecondary Vocational Education Bureau.

Renumber remaining paragraphs accordingly.

Em Tampke
Executive Director

RULE

**Department of Education
Proprietary School Commission**

Add to Title 3, §1, License, the Advisory Commission on Proprietary Schools, Louisiana State Department of Education, Rules and Regulations, Bulletin 1443.

Cessation of Payments into the Student Protection Fund

Whenever the Student Protection Fund drops below \$750,000, collections shall resume according to L.R.S. 17:3141.16. Such collections shall cease again when the fund accumulates to \$1,000,000, but shall resume when the fund drops below \$750,000.

Andrew H. Gasperecz
Executive Secretary

RULE

**Department of Health and Hospitals
Board of Embalmers and Funeral Directors**

The Louisiana State Board of Embalmers and Funeral Directors, pursuant to the authority vested in the board by R.S. 37:840, and in accordance with the applicable provisions of the Administrative Procedure Act has adopted an amendment to its existing rules (LAC 46:XXXVII.901) as set forth below:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXVII. Embalmers and Funeral Directors**

Chapter 9. Internship

§901. Requirements for Embalming

A. Any person desiring to engage in the practice of embalming and the profession of funeral directing in this state shall serve as an intern within the state of Louisiana for one year and must meet the following requirements:

1. The intern shall serve his internship within the state of Louisiana for one year under the direct supervision of a Louisiana licensed embalmer/funeral director.

2. The intern shall have actively assisted in the preparation of at least 25 dead human bodies during his period of internship and shall have actively assisted in conducting at least 25 funerals during his period of internship.

3. The intern must have a high school diploma or the equivalent G.E.D. certificate at the time of making application for internship.

4. While serving the term of internship, the intern must work on a full-time basis, that is a minimum of 40 hours per week. Half of the hours worked, on a weekly basis, must be worked during the hours 7 a.m. and 5 p.m. while the other half of the hours worked on a weekly basis may be served any hours of the day or night.

5. The employment at the funeral home must be the intern's principal occupation.

6. The employment of the intern at the funeral home must be verified by the state board's inspector during any of the required inspections of the intern. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment, to the state board's inspector for his review.

7. A work schedule must be submitted with the intern's application showing hours to be worked and duties to be performed. Any changes or modifications within the original work schedule must be forwarded to the board's office within 14 days of the change.

8. The internship may be registered and the intern receive up to six months credit prior to matriculation in an accredited college of mortuary science (funeral service). The internship must be completed within 12 months after graduation from embalming school.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended LR 11:946 (October 1985),

amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:9 (January 1989), LR 16: (September 1990).

Lloyd E. Eagan
Secretary

RULE

**Department of Health and Hospitals
Board of Examiners of Psychologists**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, State Board of Examiners of Psychologists adopts the following rule.

In order to renew a license to practice psychology, each Louisiana licensed psychologist except those exempted shall report timely compliance with the minimum continuing education requirement as set forth below. The report shall be made on a form issued by the State Board of Examiners of Psychologists.

The requirements established by this rule shall become effective on September 20, 1990.

This rule is in compliance with R.S. 37:2357 B. which states: The board shall establish continuing education requirements to be fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall cause the license to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:2354.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists**

Chapter 8. Continuing Education

§801. Requirements

A. Minimum Continuing Education Requirement

1. Licensees shall document successful completion of 30 clock hours of acceptable continuing education during each biennial period.

2. A minimum of two of these 30 clock hours of continuing education must involve topics in professional ethics or forensic issues in delivering psychological services.

3. The number of clock hours claimed for continuing education activities that award continuing education hours cannot exceed the number of continuing education hours awarded.

B. Criteria of Acceptability. Acceptable continuing education activities are defined as: (a) formally organized and planned instructional experiences; (b) with objectives compatible with the professional continuing education needs of the licensee; and (c) conducted or sponsored by accredited institutions of higher education or by national, regional or state professional associations or divisions of such associations.

1. Continuing Education Activities Specifically Acceptable for License Renewal. Prior board approval must be obtained for all activities other than those specified under

Subparagraphs a and b (below) but which, in the licensee's judgment, meet the board's criteria of acceptability.

a. (No limit on the number of clock hours that may be applied toward satisfying the continuing education requirement during a biennium.)

i. Activities (including home study courses) offered by APA (American Psychological Association) approved Category I sponsors.

ii. Other postdoctoral workshops, institutes, or courses germane to the licensee's practice of psychology and conducted or sponsored by accredited institutions of higher education or by national, regional or state professional associations or divisions of such associations.

b. (A maximum of 12 clock hours may be applied toward satisfying the continuing education requirement during a biennium.) Registered attendance at professional meetings, conferences or conventions lasting for one full day or longer. Registered attendance at each such meeting, conference or convention shall carry three clock hours of continuing education credit.

2. Continuing Education Activities Specifically Unacceptable for License Renewal. However valuable for other purposes, the board will not credit the following activities as fulfilling any portion of its continuing education requirement for license renewal:

a. presenting to professional meetings, conferences or conventions;

b. teaching or supervision;

c. holding organizational offices or fulfilling editorial responsibilities;

d. participating in or attending case conferences, Grand Rounds, informal presentations, etc.;

e. informal self-study (e.g., self-selected reading, participation in a journal club, listening to audio tapes not awarded APA Category I CE approval, etc.); and

f. personal psychotherapy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16: (September 1990).

§803. Report Requirements

A. Report Form. Reports shall be typewritten on forms available from the Board of Examiners of Psychologists. The board will routinely distribute its Continuing Education Report form along with the annual renewal notice.

B. Signature. By signing the biennial report of continuing education, the licensee signifies that the report is true and accurate.

C. Documentation. Licensees shall retain corroborating documentation of their continuing education participations. Although corroborating documentation is not routinely required as part of the licensee's submission, the board may, at its discretion, request such documentation. Any misrepresentation of continuing education will be cause for disciplinary action by the board.

D. Biennial Reporting Period. Licensees must report their continuing education hours to the board of examiners no later than 1 July of the licensee's applicable biennial reporting period as set forth in 803.D.1. The completed Continuing Education Report Form shall accompany the licensee's Application for License Renewal in the second year of each reporting period.

1. Division of Licensees for Reporting Purposes. Licensees holding odd numbered licenses shall make their continuing education report to the board coincident with their application for license renewal in odd numbered years. Licensees holding even numbered licenses shall make their continuing education report to the board coincident with their application for license renewal in even numbered years.

2. Special Provision for Initial Reports Due in 1991. The initial continuing education report from licensees holding odd numbered licenses will be due by 1 July 1991. Thus, their reporting period will be the previous 12 (rather than 24) months. Accordingly, the continuing education requirement for this group of licensees shall be satisfied by appropriate documentation of 15 clock hours (i.e., 50 percent of the biennial requirement stated in 801.A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16: (September 1990).

§805. Exemptions

A. Newly licensed psychologists. Newly licensed psychologists are considered to have satisfied continuing education requirements for the remainder of the year for which their license is granted.

B. Other Exemptions. The following groups of licensees may be exempt from compliance with the continuing education requirement.

1. Louisiana licensees on extended active military service outside the state of Louisiana during the applicable reporting period and who do not engage in delivering psychological services within the state of Louisiana. The board must receive timely confirmation of such status in order to consider issuing an exemption.

2. Louisiana licensees who are unable to fulfill the requirement because of illness or other personal hardship. The board must receive timely confirmation of such status in order to consider issuing an exemption.

3. Louisiana licensees approved by the board for emeritus status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, State Board of Examiners of Psychologists, LR 16: (September 1990).

§807. Noncompliance and Reinstatement

A. Noncompliance. Noncompliance shall include, in part, incomplete reports, unsigned reports, failure to timely file a report, and failure to report a sufficient number of acceptable continuing education clock hours as defined in §801.A above.

B. Consequence of Noncompliance. Failure to fulfill the requirements of the continuing education rule shall cause the license to lapse pursuant to R.S. 37:2357.

C. Notice of Noncompliance. The State Board of Examiners of Psychologists shall serve written notice of noncompliance on a licensee determined to be in noncompliance. The notice will invite the licensee to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be scheduled within 30 days of the date of notice of noncompliance.

D. Reinstatement. For a period of two years from the

date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:2354.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, State Board of Examiners of Psychologists, LR 16: (September 1990).

Laurence Siegel, Ph.D.
Chairman

RULE

Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals (DHH) is applying for Block Grant Federal Funding for FY 1990-91 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. DHH will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The Block Grants and the offices responsible for program administration are as follows:

1. Alcohol Drug Abuse and Mental Health Services - Office of Human Services Division of Mental Health and Division of Alcohol and Drug Abuse. Inquiries and comments may be addressed to Billy Ray Stokes, Assistant Secretary Office of Human Services, Box 4049, Baton Rouge, LA 70821. The application is available for review at any mental health facility.

2. Maternal and Child Health Services - Office of Public Health. Inquiries and comments may be addressed to Joel L. Nitzkin, MD, Assistant Secretary, Office of Public Health, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPH facility.

3. Preventive Health and Health Services - Office of Public Health. Inquiries and comments may be addressed to Joel L. Nitzkin, MD, Assistant Secretary, Office of Public Health, Box 60630 New Orleans, LA 70160. The application is available for review at any regional OPH facility.

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following rule in the Title XIX Medicaid Program.

This rule was adopted through emergency rulemaking effective June 1, 1990, and was published in the June 20, 1990 issue of the *Louisiana Register*.

The Omnibus Budget Reconciliation Act of 1989 (OBRA), enacted on December 19, 1989, amended Section 8010 of the Social Security Act to waive certain rules pertaining to the eligibility of disabled children for Supplemental Security Income (SSI) benefits. OBRA of 1989 provides that the Social Security Administration shall disregard parental income and resources in determining SSI eligibility when a child meets the following requirements:

1. under age 18;
2. living at home;
3. disabled;
4. a former SSI recipient while institutionalized; and,
5. eligible for medical assistance under a state home care plan (approved Title XIX waived service).

For purposes of the SSI Program, children who meet these requirements will receive the same personal needs allowance (\$30 per month) as if they were institutionalized. OBRA of 1989 requires that this provision shall become effective June 1, 1990.

Rulemaking is necessary to define the Title XIX Medicaid Program's responsibilities in implementing this provision under OBRA of 1989 relating to the deeming of income and resources for disabled children.

The Bureau of Health Services Financing has determined that disabled children under age 18 may participate in the Title XIX Mental Retardation/Developmental Disabilities (MR/DD) waiver when services provided under the HCFA-approved waiver will permit the child to live at home rather than be institutionalized. Children who may qualify will be identified by the Office of Mental Retardation case manager who will assist in the completion of an application for Title XIX services. The Department of Social Services, Office of Family Support will determine the child's financial eligibility for Title XIX waived services in accordance with the Memorandum of Understanding between the two departments. The Department of Health and Hospitals Health Standards Regional Office will determine if the child meets the medical criteria for waived services. If the child is eligible to participate in the Title XIX MR/DD waiver, the Bureau of Health Services Financing shall be notified by the Office of Family Support. The bureau will advise the appropriate Social Security Administration Regional Office regarding participation in the MR/DD waiver in order that the child's eligibility for SSI may be determined. The SSI Program will then establish if the disabled child was a former SSI recipient while in an institution and therefore qualifies for the \$30 monthly personal needs allowance without regard to parental income and resources.

Accordingly, the bureau has adopted the rule below to define the Medicaid Program's responsibility in complying with the mandated federal requirement of OBRA of 1989 relating to disabled children.

RULE

When a disabled child under age 18, formerly an SSI recipient while institutionalized, is determined eligible to participate in the Title XIX MR/DD waiver, this information shall be reported to the Social Security Administration in order that the child's eligibility for SSI may be determined without regard to parental income and resources. If the SSI Program establishes that the disabled child was a former SSI recipient

while in an institution and therefore qualifies for the \$30 monthly personal needs allowance without regard to parental income and resources, the child may also be eligible to receive the optional state supplementary payment at the current maximum \$8 benefit level.

David L. Ramsey
Secretary

RULE

Department of Social Services Office of Community Services

The Louisiana Department of Social Services (DSS) has adopted a rule to administer Social Services Block Grant (SSBG) federal funds for Fiscal Year 1990/91 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, and subsequent issuances.

The DSS/Office of Community Services will continue to have administrative responsibility for implementation of the SSBG Program in FY 1990/91. The final SSBG Intended Use Report, which complies with Section 2004 of the Block Grant statute, includes information on the types of activities to be supported and the categories of persons to be served through the state's allocation of SSBG funds, and also through appropriations of state general funds for social services described in this SSBG plan.

A copy of the final Intended Use Report for FY 1990/91 may be obtained by writing to DSS/Office of Community Services, Box 44367, Baton Rouge, Louisiana 70804.

May Nelson
Secretary

RULE

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, has adopted the following rule to establish the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) Program.

SUMMARY

This rule is mandated by Section 401 of the Family Support Act of 1988 (Public Law 100-485) which requires the implementation of the AFDC-UP program. The program will be administered in accordance with this law, the implementing regulations and the Louisiana State Plan for the Aid to Families with Dependent Children program.

The proposed rule did not specify a time limitation for the receipt of cash assistance payments. R.S. 46:238(C) (Act 604 of the 1990 regular session of the Louisiana legislature) limits cash payments in the AFDC-Unemployed Parent Program to a maximum of six months per year. Such a limitation is allowed as a state option by the Family Support Act of 1988. This change was noted at the public hearing.

RULE

Effective October, 1990, the Department of Social Services, Office of Family Support, will implement the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) Program which is designed to provide cash assistance and Medicaid benefits monthly to these families with dependent children who are deprived of parental support because of the unemployment or underemployment of the parent who is the principal wage earner. The principal wage earner is defined as the parent who earned the greater income during the 24 months preceding the application, with the last month being the month prior to application. Unemployed or underemployed is generally defined as being employed less than 100 hours a month. The principal wage earner must meet the specified work history requirements. Other eligibility factors and benefit levels for the AFDC-UP program will be the same as those for the existing AFDC program. The rule for Medicaid benefits will be published by the Department of Health and Hospitals.

May Nelson
Secretary

RULE

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the notice of intent published in the *Louisiana Register* Volume 16, Number 6, page 561 on June 20, 1990, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following additions, deletions, and revisions to *Louisiana Administrative Code*:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXI. Professional Engineers and Land Surveyors

Chapter 1. General Provisions

§105. Definitions

A. - F.2 ...

G. *Bona fide employee* as used in these rules shall mean a person in the service of a registrant under a contract of hire, expressed or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed and the employer pays wages or a salary directly to the employee, pays a share of social security and federal unemployment tax, withholds federal income tax and the employee's share of social security payments, provides training, furnishes tools and materials, and sets hours of work. Generally such employees work full time for the employer, perform work at a location assigned by the employer, and do not offer their services to the general public.

H. *Bona fide established commercial marketing agency* as used in these rules shall mean a business which is specifically devoted to public relations, advertising and promoting the services of a client, and which may be appropriately licensed as required by state statutes.

I. *Practice of land surveying* is defined in R.S. 37:682.

The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions. However, survey work related to property boundaries must be performed under the supervision of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

1. Functions unique to land surveying which must be performed by or under the direct supervision of a registered professional land surveyor:

- a. boundary surveys
- b. subdivision surveys and plats
- c. public land surveys

d. the following when they do require the establishment of the relationship of property ownership boundaries, i.e., fee title, servitudes, easements, rights-of-way, leases, etc.

1. mine surveys
2. surveys for record drawings
3. topographical surveys
4. layout surveys for construction
5. hydrographic surveys
6. mapping

e. all other surveys that require the establishment of relationships to property ownership boundaries.

2. Functions common to land surveying and engineering, surveying which must be performed by or under the direct supervision of a registered professional engineer or registered professional land surveyor. Such surveys do not require the establishment of the relationship of property ownership boundaries such as, but not limited to:

- a. topographic surveys
- b. horizontal and vertical control surveys
- c. layout surveys for construction
- d. surveys for record drawings
- e. profiles and cross sections
- f. quantity and measurement surveys
- g. cartographic surveys
- h. hydrographic surveys
- i. geodetic surveys
- j. mine surveys
- k. site grading plans

All of the above type surveys (2a through 2k), regardless of the method by which they are performed, including photogrammetric methods, must be performed by or under the direct supervision of a registered professional land surveyor or a registered professional engineer.

3. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the direct supervision of a registered professional engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:682.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981, LR 16: (September 1990).

Chapter 3. Requirements for Certification and Registration of Individuals and Temporary Permit to Practice Engineering

§303. Land Surveyor-in-Training Certification

A. - B. ...

1. Graduation Plus Examination (Until January 1, 1991)

...

2. Education, Experience, Plus Examination (Until January 1, 1991)

...

3. Experience Plus Examination (Until January 1, 1991)

4. Baccalaureate Degree Graduate

The applicant shall be a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours, or the equivalent approved by the board, in land surveying, mapping, and real property courses approved by the board, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693 B.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:90 (February 1984), LR 16: (September 1990).

§311. Land Surveyor Registration

A. - B. ...

1. Graduation Plus Examination (Until January 1, 1995)

...

2. Education, Experience, Plus Examination (Until January 1, 1995)

...

3. Experience Plus Examination (Until January 1, 1995)

...

4. ...

5. Graduation Plus Engineering Registration (Until January 1, 1995)

...

6. Baccalaureate Degree Graduate

The applicant shall be a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours or the equivalent approved by the board, in land surveying, mapping, and real property courses approved by the board, who has had at least four years or more combined office and field experience in land surveying, including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by the appropriate authority, who has passed the oral and written examinations required by the board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694.

7. Land Surveyor-in-Training

The applicant shall be a person who is certified as a land surveyor-in-training by this board who has acquired at least eight years or more of combined office and field experience in land surveying, including six years or more experi-

ence in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by the appropriate authority, who has passed the oral and written examinations required by the board in the laws, procedures and practices of land surveying, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693 B and R.S. 37:694.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:351 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16: (September 1990).

Chapter 5. Rules Governing Corporations and Firms

§501. General Rules

...

A. Unless otherwise provided, unincorporated individual proprietorships which bear the full name of the owner who is a Louisiana registered professional are exempt from the application of this Chapter. Such firms are not required to be registered as qualified engineering or surveying firms with the board. Unincorporated individual proprietorships that do not bear the full name of the owner who is a Louisiana registered professional must be registered with the board as a qualified engineering or surveying firm and must comply with all the provisions of this Chapter.

B. - C. ...

D. Joint ventures that provide or offer to provide professional services will not be required to register as separate entities. Nevertheless, any firm (including those individual proprietorships otherwise excluded under [A]) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

E. A firm must be registered with the board before it may provide or offer to provide either professional engineering or professional land surveying services.

F. A firm which has in its title the word "engineering" or "surveying" or any derivative thereof shall be construed to be offering to provide engineering or land surveying services and therefore must be registered with the board before doing business in the state of Louisiana, unless it has in its title modifying or explanatory words which would, in their ordinary meaning, negate the inference of the professional practice of engineering or land surveying.

G. A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to provision of or offers to provide professional engineering services and professional land surveying services.

H. A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, that the firm must be registered under and comply with the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16: (September 1990).

Chapter 15. Examinations

§1501. General

A. - E. ...

F. Any applicant found to have engaged in conduct which subverts or attempts to subvert the engineering or land surveying examination process may, at the discretion of the board, have his or her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in Louisiana R.S. 37:698 A and/or be subject to the imposition of other appropriate sanctions.

G. The board may require applicants to demonstrate their knowledge of the law, rules of the board, and the English language by requiring either oral or written examinations.

H. Applicants will be informed by mail only as to whether they passed or failed an examination. Numerical grades will not be released by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16: (September 1990).

§1515. Re-Examinations

A. A person who fails an examination will be eligible to apply to retake the examination six months after his last failure. The earliest such applicant could be rescheduled for an examination following a failed examination is one year after the last failure.

B. Before an applicant is given approval to retake an examination, he may be required to appear before the board or a committee of the board for an oral interview/oral examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:353 (November 1976), amended LR 4:516 (December 1978), LR 5:113 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16: (September 1990).

Chapter 17. Rules Governing the Use of Seals

§1701. Seal Rules

...

A. Each registered professional engineer or professional land surveyor, upon registration, shall obtain an official seal. The size and design of the seal shall conform to the specifications in Subsection I of this Section.

B. The registrant shall affix his seal, sign his name, and place the date of execution on all engineering and surveying documents that have been issued by the registrant to a client or any public or governmental agency as completed work. A facsimile signature is not acceptable. Preliminary documents, so marked in large bold letters, shall contain a

statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Preliminary documents are not required to have the registrant's seal and signature affixed, but must bear the name and registration number of the registrant, and the firm's name, if applicable.

C. The application of the registrant's seal, signature, and date shall constitute certification that the work thereon was done by him or under his direct supervision.

1. Drawings and Plats - In case of multiple sealings, the first or title page shall be sealed and signed by the registrant or registrants in responsible charge. In addition, each sheet shall be sealed by the registrant or registrants responsible for each sheet. In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet and the registrant(s) in responsible charge shall sign and seal the title or first sheet.

2. Specifications, reports, design calculations and information - In the case of specifications of multiple pages, the first or title page of each document shall be sealed and signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the registrant in responsible charge whose seal and signature appears on the first or title page. In the case of a firm, partnership or corporation, the registrant in responsible charge shall sign and seal the title of the first sheet.

D. No registrant shall affix his seal or signature to reports, plats, sketches, working drawings, specifications, design calculations or other engineering and land surveying documents developed by others not under his complete direction and control and not subject to the authority of that registrant, except as stated in LAC 46:LXI.1701.H below.

E. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the personal supervision and complete direction and control of a registrant only when:

1. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the registrant, or the registrant's employee as long as the employee works in the registrant's place(s) of business;

2. the registrant supervises the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion;

3. the registrant reviews the final plans, specifications, drawings, reports or other documents; and

4. the registrant has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

F. No registrant shall affix his seal or signature to documents having titles or identities excluding the registrant's name unless:

1. such documents were indeed developed by the registrant under the registrant's personal supervision and direct control;

2. the registrant shall exercise full authority to determine their development; and,

3. except as set forth in LAC 46:LXI.1701.H below.

G. In the case of a temporary permit issued to a registrant of another state, the registrant shall affix the seal of his state of registration, his signature, the date of execution and his Louisiana temporary permit number to all of his work.

H. In the case of an individual registrant checking the work of and taking the professional responsibility for an out of state individual registrant, the Louisiana registrant shall completely check and have complete dominion and control of the design. Such complete dominion and control shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design.

I. Seal Design Requirements

1. The design of the seal shall have the following minimum information:

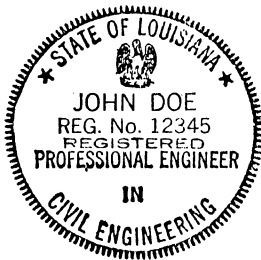
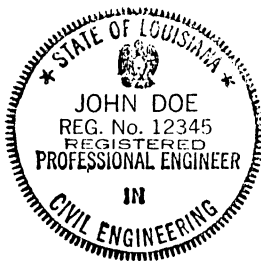
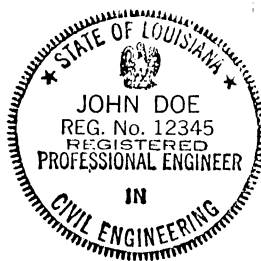
State of Louisiana

Registrant's name

Registrant's Registration Number

Contain the words "Professional Engineer in _____ Engineering" or "Registered Professional Land Surveyor."

2. Indicated below is a sample of the seal design authorized by the board. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1⁵/₈ inch seal, or a desk seal, commercially designated as a two-inch seal. Rubber stamps or computer generated stamps of the same design and size are acceptable for use. Facsimile signatures are not acceptable (LAC 46:LXI.1701.B).



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16: (September 1990).

Chapter 21. Rules of Professional Conduct

§2101. Scope; Knowledge; Definition of "Registrant"

A. - C. ...

D. A registrant possessing personal knowledge of a violation of Statutes 37:681 thru 37:703 or the board rules found in LAC 46:LXI shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16: (September 1990).

§2103. Registrants

A. - C.2 ...

3. Registrants may not accept the responsibility for, nor review, revise, sign, or seal drawings when such plans are begun by persons not properly registered and qualified; or do any other act to enable either such registrants or the project owners, directly or indirectly, to evade the requirements of R.S. 37:681 through 37:703.

D. Registrants shall submit to a client only that work (plans, specifications, reports, and other documents) prepared by the registrant or by an employee (or subordinate) of the registrant (which is under the registrant's complete direction and control); however, registrants, as a third party, may complete, correct, revise, or add to the work of another registrant or other related design professional, if allowed by Louisiana Statutes, when engaged to do so by a client, provided:

1. The client furnishes the documentation of all such work submitted to him by the previous registrant(s), or other related design professional(s).

2. The previous registrants or other related design professionals are notified in writing by the registrant of the engagement referred to herein immediately upon acceptance of the engagement; and,

3. All work completed, corrected, revised, or added to shall contain a notation describing the work done by the registrant now in responsible charge, shall have the seal and signature of the registrant affixed thereto, the date of execution, and shall become the responsibility of the registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16: (September 1990).

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

RULE

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its Plan Documents of Benefits to impose a \$50 deductible for emergency room treatment unless the covered person is hospitalized immediately following the emergency room treatment, as follows:

Add the following language under Schedule of Benefits, Comprehensive Medical Benefits ...

Deductibles: ...

Emergency room institutional charges for each visit unless the covered person is hospitalized immediately following emergency room treatment \$50.

Tommy D. Teague
Acting Executive Director

RULE

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document of Benefits to put in place a utilization review penalty maximum, effective July 1, 1990, as follows:

Amend Article 3, Section II, as follows:

E. Benefits otherwise payable under this plan will be reduced to 50 percent, subject to a maximum penalty of \$2,000 per occurrence.

Tommy D. Teague
Acting Executive Director

RULE

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

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission established a public oyster seed ground in portions of Vermilion, East and West Cote Blanche and Atchafalaya Bays, pursuant to the authority given to the commission in R.S. 56:434 and adopted the following rule:

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§507. Public Oyster Seed Ground - Vermilion, East and West Cote Blanche and Atchafalaya Bays.

The Vermilion, East and West Cote Blanche, and Atchafalaya Bay Public Oyster Seed Ground is described as

Notices of Intent

that portion of state waterbottoms beginning at a point of land on the southwest side of Southwest Pass, (y-335554.00) (x-1,774,683.00), thence S 31 54 44 E 4300.4 feet to Light-house Point on the southeast side of Southwest Pass and the most westerly point of Marsh Island (y-331,903.69) (x-1,776,956.24), thence along the south shoreline of Marsh Island to the point known as South Point (y-298,750.40) (x-1,863,189.50) thence S 74 10 18 E 5278.6 feet to a platform (y-284,352.82) (x-1,913,973.65) thence S 68 18 41 E 75,154.9 feet to Eugene Island (y-256,578.31) (x-1,983,808.02) thence S 35 17 41 E 17,453.6 feet to Point Au Fer (y-242,332.84) (x-1,993,892.44) thence along the southeastern shoreline of Atchafalaya Bay to South Point (y-257,413.00) (x-2,031,117.00) thence N 29 36 41 E 7455.7 feet to the north bank of Four League Pass (y-263,895.00) (x-2,034,801.00) thence along the eastern shoreline of Atchafalaya Bay to the east bank of the Atchafalaya River (y-294,175.00) (x-2,020,925.00) thence N 80 57 36 W 6001.5 feet to the west bank of the Atchafalaya River (y-295,118.00) (x-2,014,998.00) thence along the north shoreline of Atchafalaya Bay to Belle Isle Point (y-312,510.00) (x-1,969,990.00) thence following the shoreline of New Pass to a point on the west bank of New Pass (y-318,375.00) (x-1,967,345.00) thence westerly along the north shoreline of Atchafalaya Bay to Point Chevreuil (y-309,951.00) (x-1,930,415.00) thence northerly along the shoreline of East Cote Blanche Bay to Point Marone (y-352,112.00) (x-1,898,410.00) thence northerly along the east shoreline of West Cote Blanche Bay to the east side of the Jaws (y-389,415.00) (x-1,909,020.00) thence N 64 01 41 W 4407.1 feet to the west side of the Jaws (y-391,345.00) (x-1,905,058.00) thence westerly along the north shoreline of West Cote Blanche Bay to Cypremort Point (y-380,726.00) (x-1,826,461.00) thence northerly along the east shoreline of Vermilion Bay to Little Mud Point (y-412,498.00) (x-1,836,480.00) thence in a southerly direction along the shoreline of Weeks Bay to the east bank of Shark Bayou (y-403,692.00) (x-1,840,583.00) thence northerly along the east shore of Weeks Bay to a point at the Mouth of Bayou Carlin (y-422,780.00) (x-1,841,195.00) thence westerly along the north shoreline of Vermilion Bay to Mud Point (y-382,749.00) (x-1,741,026.00) thence continue along the shoreline to a point at the southeast corner of Little White Lake (y-395,495.00) (x-1,738,384.00) thence along the shoreline of Little White Lake to Buck Point (y-391,673.00) (x-1,736,065.00) thence continue along the shoreline to Redfish Point (y-375,420.00) (x-1,786,260.00) thence southerly along the west shoreline of Vermilion Bay to a point at the mouth of Hog Bayou (y-346,604.00) (x-1,752,950.00) thence along the shoreline of Hell Hole to a point at the northeast corner of Hell Hole (y-347,496.00) (x-1,755,604.00) thence easterly along the shoreline of Vermilion Bay to Indian Point (y-352,201.00) (x-1,777,875.00) thence southerly along the shoreline of Vermilion Bay and Southwest Pass to the Gulf and the Point of Beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 16: (September 1990).

Warren Pol
Chairman

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

The Office of Forestry, in accordance with Act 591 of 1970, after holding a public meeting on August 23, 1990, at the Alexander State Forest, Woodworth, Louisiana, announces the following revised fees to be collected at Indian Creek Recreation Area beginning January 1, 1991:

| | |
|-----------------------|--------------------------|
| Entrance Fee | \$ 3/car (six occupants) |
| Regular Camping Fee | \$11/day |
| Primitive Camping Fee | \$ 6/day |
| Group Pavilion Fee | \$25/day |

Interested persons may submit written comments to the following address: Department of Agriculture and Forestry, Bill Mercer, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Paul D. Frey
State Forester

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: User Fee Change, Indian Creek Rec Area

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost of implementing these changes is not expected to exceed \$200, which is the anticipated cost of reprinting the fee collection receipts.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The increase in revenues in FY 90-91 will be approximately \$20,290 for the last six months of the fiscal year, and approximately \$40,580 annually thereafter.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
These fee increases will only affect users of the Indian Creek Recreation Area. Thus the cost to the visitors depends on how often they use these facilities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no impact on competition or employment since other nearby recreational areas have similar fee schedules.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

The State Civil Service Commission will hold a public hearing on Wednesday, October 3, 1990 to consider amending Civil Service rules. The hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

The following are proposed amendments to be considered at the meeting:

PROPOSAL TO AMEND RULES 1.11 AND 1.27

1.11 *Demotion* means a change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower minimum.

1.27 *Promotion* means a change of a permanent employee from a position in one job to a position in another job which is assigned to a pay grade with a higher minimum.

EXPLANATION

These changes are necessary in order to accommodate the addition of another pay schedule.

PROPOSED RULE 6.5(g)

6.5 Hiring Rate

- (a) . . .
- (b) . . .
- (c) . . .
- (d) . . .
- (e) . . .
- (f) . . .

(g) Extraordinary Qualifications/Credentials

Subject to the provisions of Rule 6.29, if an applicant who is eligible for appointment under the provisions of Chapters 7 and 8 of the rules possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials and such superior qualifications/credentials can be verified and documented as job related, the appointing authority may, at his own discretion, pay the employee upon hiring at a rate above the minimum provided that:

- (1) the rate does not exceed the midpoint of the range for the affected job;
- (2) the salaries of all current employees who possess the same or equivalent qualifications/credentials are adjusted to the same rate.

EXPLANATION

We have been asked repeatedly to provide a means to hire persons with superior qualifications/credentials at a rate above the minimum. This should provide the state with access to more capable and qualified candidates.

PROPOSAL TO AMEND RULE 6.7

6.7 Rate of Pay Upon Promotion

- (a) Subject to the provisions of Subsection (e) of this rule, when an employee is promoted to a position ...
- (b) Subject to the provisions of Subsection (e) of this rule, when an employee is given a one grade promotion ...
- (c) . . .
- (d) . . .
- (e) When an employee is promoted from a job assigned to one pay schedule to a job assigned to another pay schedule with a higher minimum, his pay shall be adjusted as follows:

1. If the minimum of the job to which he is being promoted is less than 14 percent above his current minimum, his pay shall be increased by seven percent.

2. If the minimum of the job to which he is being promoted is at least 14 percent but less than 21 percent above his current minimum, his pay shall be increased at least by seven percent but not to exceed 10.5 percent.

3. If the minimum of the job to which he is being promoted is equal to or greater than 21 percent above his current minimum, his pay shall be increased by at least seven percent but not to exceed 14 percent.

EXPLANATION

With the proposed adoption of the Medical Pay Schedule, this rule is necessary to define pay increases for promotions between schedules. The rule was structured so that the same percentage increases would apply to promotions between schedules as are provided for promotions within schedules.

PROPOSAL TO AMEND RULE 6.10

6.10 Rate of Pay Upon Demotion

When an employee is demoted for any reason under any circumstances, his pay shall be reduced as follows:

(a) If the demotion is to a job within the same pay schedule, his pay shall be reduced by a minimum of seven percent and may be set at a lower rate in the range provided that it is no less than the minimum.

(b) If the demotion is from a job in the general schedule to a job in another pay schedule, his pay shall be reduced by a minimum of seven percent and may be set at a lower rate in the range provided that it is no less than the minimum.

(c) If the demotion is to a job in the general schedule from a job in another pay schedule, his pay shall be reduced at least 14 percent and may be reduced to any rate in the range provided that it is no less than the minimum.

EXPLANATION

This rule amendment provides for a mandatory pay reduction on demotion. The proposal is being made to prohibit an employee from receiving pay benefits from a higher level job which he is no longer performing.

PROPOSAL TO AMEND RULE 6.14

6.14 Merit Increases

(a) When a new employee has been continuously employed, without a break in service of one or more working days for a period of twelve months, he becomes eligible for and may be granted a merit increase provided that the appointing authority has determined his performance merits such an award.

(b) . . .

(c) If the employee receives a satisfactory service rating in accordance with Rules 10.2 through 10.11, the amount of each merit increase shall be four percent of the employee's individual pay rate. Subject to the provisions of Rule 6.29, if the employee receives a Performance Rating in accordance with Rules 10.12 through 10.22, the amount of the merit increase shall be

- (1) For a rating of Unsatisfactory - no increase may be given.
- (2) For a rating of Needs Improvement - no increase may be given.
- (3) For a rating of Achieves Results Expected - four and one-half percent.
- (4) For a rating of Exceeds Results Expected - no less

than four and one-half percent but not to exceed six percent.

(5) For a rating of Outstanding - no less than four and one-half percent but not to exceed seven and one-half percent.

The total amount of monies spent by any agency in any given fiscal year for merit increases for employees who have received an Outstanding or Exceeds Results Expected rating may not exceed one half of one percent of the total salaries budgeted for classified employees for that agency.

- (d) . . .
- (e) . . .
- (f) . . .
- (g) . . .
- (h) . . .
- (i) . . .
- (j) . . .
- (k) . . .

EXPLANATION

This rule provides a means to pay for performance based on specific written criteria.

PROPOSAL TO AMEND RULE 6.16(a)

6.16 Special Pay Provisions

(a) Premium Pay

In order to remain competitive with the pay practices of market competitors, premium pay may be authorized for positions in a job where employment conditions are unusual.

EXPLANATION

When we decided to propose the provisions for shift differential to be included in Rule 6.28, we decided not to repeal this rule but to amend it because we have found that we need a special premium pay to apply to situations which do not appear to be covered by our current rules.

PROPOSED RULE 6.16.1

6.16.1 Optional Pay Adjustments

Subject to the provisions in Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to employees to correct severe pay problems or reward extraordinary accomplishments. Such increases shall not exceed five percent for any individual employee and the total amount of monies spent for these adjustments for any agency in any given fiscal year may not exceed one-half of one percent of the total salaries budgeted for classified employees in that agency. Such increases shall be given only in accordance with written policies established by each agency.

EXPLANATION

This rule is designed to provide appointing authorities with the ability to correct pay problems within their own organizations and also to provide them with the flexibility to reward employees for special or extraordinary accomplishments.

PROPOSAL TO AMEND RULE 6.28

6.28 On-Call Pay/Shift Differential

(a) The director may authorize payment of on-call pay/shift differential through policy directives which establish guidelines for the use of these types of pay and which establish maximum authorized rates or percentages. The commission may authorize on-call pay/shift differential at a higher rate or percent than established by the director.

(b) Delete the word "such" at the beginning of this part.

(c) Shift differential is an additional pay allowance for employees who work non-standard hours.

EXPLANATION

The administration of a pay matter as routine as shift differential will be simplified with these rule changes. The inclusion of this special pay into a more discretionary rule will allow market appropriate guidelines which may be easily amended through the use of policy directives.

PROPOSED RULE 6.29

6.29 Corrective Pay Actions

(a) The discretion granted by this Chapter to an appointing authority is subject to revocation by the director when he determines that such discretion has been abused.

(b) An employee's pay is subject to reduction when, after hearing, it is determined that the employee has benefited from increased pay as a result of either a violation of these rules, or an abuse of the discretion granted in these rules.

EXPLANATION

Because the following rules contain provisions which allow near total discretion, it was determined that a rule which covers the "penalty" for abuse of such discretion should be included as a separate rule.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of State Parks**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Office of State Parks intends to amend its rules and regulations relative to certain operational procedures, winter season discounts, and the Golden Pelican Permit.

Title 25

CULTURAL RESOURCES

Part IX. Office State Parks

Chapter 3. Rules and Regulations

§301. General Authority and Purpose

A.-D. ...

E. From time to time, as deemed appropriate by the assistant secretary, special programs, occupancy regulations, or discounts on user fees may be offered in order to encourage visitation during the winter season (October 1 through March 31). These special promotional offers are in effect for one winter season only and must be reviewed and reauthorized annually. No fee increases of any kind will be imposed under this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16:

§303. Park Property and Environment

A.-F. ...

G. The display, possession, and/or use of metal detectors or other devices for the purpose of locating surface or subsurface artifacts or relics is prohibited. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Excavations for and removal of historical features by professional archaeological means may be considered by a special permit for historical and scientific research purposes. All such requests will be reviewed by the Louisiana State Archaeological survey and Antiquities Commission. Applications for such permits must be made to the assistant secretary, Office of State Parks.

H.-I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16:

§307. Boating Use

A.-J. ...

K. All or portions of water bodies adjacent to boat ramps, docks, swimming areas, boat houses, cabins, picnic shelters, pavilions, or other facilities shall be designated "NO WAKE AREAS." Signs and/or buoys will mark the water bodies or portions thereof so designated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16:

§311. Overnight Use

A.-B. ...

C. Overnight camping, except during the period October 1 through March 31, and group camp, lodge and cabin use are limited to a 14-day period within 30 days. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

D.-J. ...

K. Upon termination of any use permit, the facility must be delivered up in good repair and in the same condition in which it was found. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of the facilities.

L.-N. ...

O. No overnight user may erect or display unsightly or inappropriate structures or features which, in the opinion of the park manager, may create a disturbing or otherwise unpleasant condition detrimental to the general park use.

P. ...

Q. Overnight users must maintain a reasonably quiet facility between the hours of 10 p.m. and 6 a.m.

R.-U. ...

V. No one occupying an overnight facility, except camping during the period October 1 through March 31, will be allowed to register for the use of that facility for a period of more than 14 days within a 30-day period.

W. ...

X. The park manager will furnish or post in each overnight structure an inventory of movable equipment and furnishings which are available in the unit. The user should

check the inventory immediately upon occupancy and report to the manager any deviation between the actual inventory and the printed inventory. The user may be required to reimburse the Office of State Parks for the cost of any equipment or furnishings which, if not reported upon occupancy, is missing or damaged when the unit is vacated. Failure to reimburse the Office of State Parks for any missing or damaged equipment or furnishings may result in denial of any future use of the facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:772, 773 (November 1988), LR 16:

§313. Fishing, Hunting, Trapping, and Use of Firearms or Fireworks

A.-B. ...

C. The possession and/or use of any weapon, including but not limited to shotguns, rifles, pistols, and bows and arrows within a park area is prohibited, except by law enforcement officers or by special permission of the assistant secretary.

D.-G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR:14:773 (November 1988), LR 16:

§321. Swimming

A.-F. ...

G. No swimming at any beach will be permitted from sunset to sunrise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16:

Chapter 5. Procedures and Fees

§501. Operating Schedule

A. State Parks

1. ...

2. Winter schedule (1 October - 31 March): Parks open 8 a.m. - 7 p.m. daily (exceptions: South Landing of Chicot State Park, Lake Bistineau State Park, and North Toledo Bend State Park, 7 a.m. to 7 p.m.; the North Landing gate of Chicot State Park is open from 3 p.m. Friday to 7 p.m. Sunday.) Note: on Fridays and Saturdays, a park attendant is on duty for camper registration until 10 p.m.

3. ...

B.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:774 (November 1988), LR 16:

§503. General Admission Fees

A. State Parks General Admission Day-Use Entrance Fees

1. ...

2. All prices include state and local taxes. In any cases where entrance fees are charged, there is no additional charge for the use of picnicking (except group shelters when reserved for exclusive use), boat launching, or swimming facilities. (Exception: St. Bernard State Park - swimming pool fee \$2 per person per day.)

3. ...

B.-E. ...

F. Group Rental Shelters

1.-4. ...

5. The carrying capacity of a group rental shelter is based on its size, facilities and available parking, and may not be exceeded.

G. ...

H. Exemptions

1.-2. ...

3. School Groups

Any child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any state park, museum or related state facility in Louisiana. This exemption shall be valid at any time during the school year.

I. Annual Day-Use Permits

1.-2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:774, 775 (November 1988), LR 16:

§505. Overnight and Day Use

A. Camping Fee

1. An improved campsite rents for \$12 per night. An unimproved campsite rents for \$10 per night. For information regarding campsite reservation fees, see Reservation Policy, §505.G

2.-3. ...

B.-1. ...

2. Fees

a. A fee of \$30 per night is assessed to the group for the exclusive use of the area and each individual camper rig is also charged the improved campsite rate. Anyone entering a rally campground which has been reserved for overnight use will be charged the overnight rate.

b. ...

3. ...

C. Golden Pelican Permit

1. All persons age 62 or older are eligible to purchase a Golden Pelican Permit which will qualify the permit holder and anyone accompanying him/her in a camper rig, as defined in Chapter 3, §311.H. of the rules and regulations of the Office of State Parks, for a 50 percent discount on campsite rentals. Proof of age is required.

2. The discount will be equal to 50 percent of the regular campsite rate. The discount will not apply to reservation fees or to the fee charged for exclusive use of a rally camping area. The discount will apply to the regular rate charged for reserved campsites (1-5 sites), and to the rate charged for group campsites (more than 5 sites).

3. The Golden Pelican Permit is valid for a period of one year beginning January 1 and ending December 31. The

permit may be purchased as many as 90 days in advance of January 1, during which time it will be valid. Applications are available at all state parks.

4. The price of the Golden Pelican Permit will be fixed at a rate \$20 more than the price of an Annual Day-Use Permit. Any Louisiana resident age 62 or older may purchase a Golden Pelican Permit at a discounted price equal to the price of an Annual Day-Use Permit. Proof of residency is required.

D. ...

E. Cabins and Lodges

1. ...

a. In each case where the bedding accommodations are specified, the maximum overnight occupancy of the cabin cannot be more than two people over the lodging accommodation number. Bedding accommodations will vary and may include a combination of double beds, single beds, bunk beds or sofa sleepers. Visitors must contact the park for information regarding specific bedding arrangements and accommodations.

b. The maximum day use capacity of any cabin shall be 150 percent of the maximum overnight capacity.

2. ...

F. Group Camps

* * *

1. Minimum overnight rate is based on 50 percent capacity of the facility. Rate is \$3 per person per night for each person over the 50 percent capacity. Visitors coming to the group camp for day use only will be charged the normal day-use entrance fees.

2.-3. ...

G. Reservation Policy

1. ...

2. Reservations are accepted only from persons 21 years of age or older and adults must accompany all minors at reserved facilities.

3.-4. ...

5. Overnight Reservations

a. ...

b. Reservations for overnight use between October 1 and March 31 are accepted beginning July 1 annually (except for group campsite reservations). Reservations placed for this period between July 1 and July 3 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after July 3 annually by either phoning or writing the individual park at which the accommodations are desired.

c. Reservations for overnight use between April 1 and September 30 are accepted beginning January 2 annually (except for group campsite reservations). Reservations placed for this period between January 2 and January 4 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after January 4 annually by either phoning or writing the individual park at which accommodations are desired.

d.-e. ...

f. Reservations for Regular Campsites

i. An advance deposit equal to one night's campsite(s) rental fee plus a reservation fee of \$3.00 is required to make an advance reservation for regular campsites. The normal campsite rate (with Golden Pelican Permit discount, if applicable) is charged for each site rented. Golden Pelican Permit discounts apply to the campsite rate, but do not apply

to the reservation fee.

ii.-v. ...

g. Group Campsite Reservations

i. Reservations for more than five campsites may be made during the winter season (October 1 through March 31) at any state park operating a campground, provided that no more than 80 percent of the available campsites may be reserved at any one park.

ii. An advance deposit equal to one night's campsites rental fee plus a reservation fee of \$30 is required to make an advance reservation for group campsites. The normal improved campsite rate (with Golden Pelican Permit discount, if applicable) is charged for each site rented. Golden Pelican Permit discounts apply to the campsite rate, but not to the \$30 reservation fee.

iii. Reservations for group campsites may be made at any time during the year; however, no reservation may be made for more than one year before the anticipated use date.

6. ...

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:775-779 (November 1988), LR 16:

Chapter 7. Facilities

§701. Office of State Parks Operating Units

K. Fort Jesup State Commemorative Area (Route 2, Box 611, Many, LA 71449, 318-256-5480) is located just off LA 6, formerly the original El Camino Real. This site features an original kitchen/mess building and a museum. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. Fort Jesup is a National Historic Landmark.

L.-R. ...

S. Lake Fausse Pointe State Park (Route 5, Box 5648, St. Martinville, LA 70582, 318-229-4764) is located on the West Atchafalaya Protection Levee Road about 12 miles east of St. Martinville. At the edge of Louisiana's largest watery wilderness, the Atchafalaya Basin, the park offers camping, vacation cabins, hiking, boating, picnicking, a camp store and fishing.

Subsequent subsections have been re-lettered appropriately in alphabetical order.

T.-U. ...

V. Los Adaes State Commemorative Area (P.O. Box 127, Marthaville, LA 71450, 318-472-9449) is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. An important archaeological site, Los Adaes is a National Historic Landmark.

W. ...

X. Mansfield State Commemorative Area (Route 2, Box 459, Mansfield, LA 71052) is located four miles south of the town of Mansfield. This park is the site of the most important battle of the Civil War fought west of the Mississippi. The 44-acre site includes a museum noted for its variety of military artifacts. The interpretive program explains how the badly outnumbered Rebels defeated the Union army, ending the Red River Campaign. The site is included in the National Register of Historic Places.

Y. Marksville State Commemorative Area (700 Martin Luther King Drive, Marksville, LA 71351, 318-253-8954) is located adjacent to the town of Marksville, east of LA 1 and LA 452. The park area is of great archaeological significance due to the discovery of buried evidence of an Indian culture which flourished some 200 years ago. Visitors can enjoy pre-historial Indian mounds located on a bluff overlooking Old River. Interpretive program and museum adds to visitor enjoyment. The facility is a National Historic Landmark.

Z. North Toledo Bend State Park (P.O. Box 56, Zwolle, LA 71486, 318-645-4715) is located off LA 3229 about 6 miles west of Zwolle in Sabine Parish. Situated in the rolling pine forests bordering Toledo Bend Reservoir, one of the country's prime fishing lakes, the park features camping, fishing, hiking, picnicking, vacation cabins, a group camp, swimming pool and camp store.

AA.-AF. ...

AG. Winter Quarters State Commemorative Area is located three miles southeast of Newellton on LA 608 in Tensas Parish. This 19-room plantation mansion situated on a seven-acre site was, for a time, used as headquarters by General Grant during the siege of Vicksburg. Built in three stages during three generations, the house demonstrates three different types of architecture. The house is included in the National Register of Historic Places. Transferred to the Tensas Parish Police Jury, St. Joseph, Louisiana, through a Cooperative Endeavor Agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:779-781 (November 1988), LR 16:

Interested persons may submit written comments through October 15, 1990, to: Linton Ardoin, Assistant Secretary, Office of State Parks, Box 44426, Baton Rouge, LA 70804-4426.

Linton Ardoin
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Fee and Rule Changes SP's and SCA's

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It will cost approximately \$2,000 to implement these rules. This cost will not constitute a budgetary increase, but will be a one-time cost absorbed in the current year's operating budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that agency self-generated revenues will decrease \$36,611 this fiscal year as a result of these rules, and increase \$48,216 annually thereafter.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Economic benefits will accrue to those senior citizens who camp in state parks frequently. Swimmers at St. Bernard State Park will face an increased cost of \$1 each.

Winter season users of some overnight facilities will pay the same rate as summer users.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

A negative competitive effect on private campground owners is possible, but uncertain. A positive effect on tourism from out-of-state campers is also possible.

Linton Ardoin
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Certified Real Estate Appraisal Subcommittee**

Notice is hereby given that the Certified Real Estate Appraisal Subcommittee will consider the adoption of the following rules and regulations of the subcommittee to administer and implement the State Appraiser Certification Program: LAC 46:LXVII, Subpart II, Chapter 103, §10307 G. providing for acceptance of all university and junior college appraisal courses towards the appraisal certification education requirements.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

§10307. Basic Education for Certification

G. Other University Appraisal Courses

Real estate appraisal courses taught by other universities with four year undergraduate degree programs and junior colleges will be individually reviewed for approval by the Subcommittee. A course outline, typical text and typical enrollments by offering shall be provided to the Subcommittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Subcommittee, LR 15:814 (October 1989), amended LR 16:

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809, or may be obtained by writing Ann Major, Administrative Assistant, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA 70898. Interested parties may direct inquiries and present their views in writing to the commission.

Jane H. Moody
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Certification**

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

There is no impact on revenues to the agency through adoption of this rule. Implementation of the proposed rule will allow acceptance of more appraisal coursework applied towards certification. It would not impact the agency cost or workload in any measurable way.

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

There is no measurable impact on revenue collections by adoption of this rule. Acceptance of additional appraisal courses may allow additional persons to meet the education requirements and apply for the examination.

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

Persons who have taken college or junior college appraisal course work not already approved by Subcommittee rules would benefit by a larger course acceptance list. Allowing additional appraisal course acceptance will allow more individuals to qualify for the exam.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule would allow a larger number of individuals to meet the educational requirement for certification. There is no way to measure any future effect on competition and employment as the law is currently voluntary, but all appraisers will fall under federal requirements as of July 1, 1991.

Jane H. Moody
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Public High School Equivalency Diploma

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 to add Standard 1.124.16 to read:

1.124.16 Public high school equivalency diplomas shall be signed by the state superintendent of education, the president of the board of elementary and secondary education, the local superintendent of school board president, and the local high school principal.

This amendment was also adopted as an emergency rule, effective August 20, 1990. See August, 1990 issue of the *Louisiana Register* for emergency rule.

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Louisiana Handbook for School Administrators, Bulletin 741

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no implementation cost to state and local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state and local governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Graig Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

State-Established Scale for Employment of School Librarians

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a revision to Bulletin 741, Standard 2.071.08 which provides a state-established scale for the employment of school librarians as listed below:

| | |
|--------------------|---------------------|
| Student Enrollment | Required Librarians |
| 299 or fewer | one half-time |
| 300 - 999 | one full-time |
| 1000 or higher | two full-time |

This revision was also adopted as an emergency rule, effective August 20, 1990. See August, 1990 issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Motion 8, BESE Meeting 6-28-90

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

The revision and distribution of Bulletin 741 will cost approximately \$100.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs that directly affect non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1213

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*, Section 3: Identification, to correspond with Act 171, 1989 to read as follows:

“Drug-Free Zone decal shall be placed in a visible manner in each school bus.”

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Change in Bulletin 1213, Section 3: Identification (To correspond with Act 171, 1989)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated implementation costs to LEAs will be approximately \$42,816. There are 7,136 school buses including the contractual and parish owned buses.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. However, the Drug-Free Zone decals could have an effect on decreasing drug use and decreasing theft due to fear of incarceration.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment. The Drug-Free Zone decals will be made at Prison Enterprises, Inc.

Graig Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Policy on Drug Testing

In accordance with R.S. 49:905 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Revised Policy on Drug Testing for inclusion in Bulletin 1868, *BESE Personnel Manual*. This policy was adopted as an emergency rule, effective August 20, 1990. See August, 1990 issue of the *Louisiana Register* for complete text of policy.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Bulletin 1868, BESE Personnel Manual

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

Implementation costs to the Board of Elementary and Secondary Education will be limited to the costs associated with printing the material and disseminating it to the affected entities, as well as costs associated with publication in the *Louisiana Register*.

Total Estimated Cost: \$1,000 or less.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the recommendation of the State Department of Education to allow LEAs to verify Circular 665 documentation for Annual School Reports as noted below in the Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel:
Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel

Full-time/part-time noncertified school personnel, excluding speech, language, and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions, provided that the following documentation is submitted to the Department of Education:

1. A signed affidavit by the local superintendent that the position could not be filled by a certified teacher.

2. Submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report; and Documentation kept on file in the LEA's superintendent's personnel office shall include:

1. Copies of transcripts showing the degree earned.

2. Documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisements, letters, contacts with colleges, and so forth);

3. Documentation that the teacher is eligible for admission to a teacher education program.

In addition:

1. it is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and

2. these individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program.

3. to be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (general knowledge, professional knowledge, communication skills, specialty area) in which the score was not achieved.

This policy was adopted as an emergency rule, effective August 20, 1990. See August, 1990 issue of *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., No-

ember 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Motion #15 BESE Meeting 6-28-90

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revision and distribution of Bulletin 741 will cost approximately \$100.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs that directly affect non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revision to BESE Appeals Procedure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated costs or savings to state or local governmental units. The administrative procedure for waiver of minimum standards is in place for public schools. This revision allows the same waiver procedure for the nonpublic school.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs or economic benefits to directly affected persons or non-governmental groups. This policy allows the nonpublic schools to submit a request for a waiver of standards to the State Department of Education and the department either approves or disapproves the request.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Em Tampke
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Procedures for Waiver Requests from Nonpublic Schools

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Revised Procedures for Waiver Requests from Nonpublic Schools as stated below:

Under Chapter 3 (Rules of Procedure) of the Louisiana Administrative Code, Section 313, add paragraph 7 to read:

7. Schools in the nonpublic sector, in submitting requests for waivers of applicable minimum standards, shall follow the procedures outlined in this Section. Requests shall be submitted by the appropriate school administrative officer.

This policy revision supersedes the notice of intent advertised in the May, 1990 issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Salary Schedule for State Technical Institutes

In accordance with the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education authorized the continued use of the board-approved September 1, 1984 salary schedule for all Postsecondary Vocational-Technical Personnel listed below with the following changes:

1. Raise each step four percent to comply with the cost of living raise for all state employees as approved by the 1990 Legislature.

2. Add two steps to the base plus 10-step salary schedule.

3. All ABE/GED instructors who are not on the 1984 salary schedule will receive a 4 percent cost of living raise and a one-step raise.

This revised salary schedule was also adopted as an emergency rule, effective August 20, 1990. See August, 1990 issue of the *Louisiana Register* for rule.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., No-

ember 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Salary Schedule for State Technical Institutes

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

The proposed rule would suspend the new pay plan adopted in August 1990 and continue to use the board-approved pay plan of September 1, 1984. The administrative cost of implementing this change would be approximately \$75. This would be for printing and postage to mail out the revised salary schedule. Adoption of this rule is necessary because appropriations were \$5,597,057 less than needed to implement the new pay plan.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs or economic benefits of the non-governmental groups. There will be an economic impact on the vocational-technical employees who will not receive the raise the new pay plan would have given them.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this action.

Graig Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Technical Institutes Tuition Fee

In accordance with R.S. 49:950 et seq, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an increase of \$5 per month in the tuition fees at all technical institutes. Listed below are the fees which residents shall pay in advance:

| | |
|-----------|---------------------|
| Full-time | - \$25.00 per month |
| 3/4 time | - \$18.75 per month |
| 1/2 time | - \$12.50 per month |

This tuition increase, which is effective October 1, 1990 will allow the system to meet all the mandates of the 1990 Legislature and to cover all the shortfalls in the eight regional budgets for Fiscal Year 1990-91. This revision was also adopted as an emergency rule. See August, 1990 issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Increase Tuition Fee at Vo-Tech Institutes

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

This is revising the BESE policy on tuition fees. The cost to implement this change would be approximately \$75. This would be for printing and postage and to mail out the revised policy.

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

This will be an increase of \$5 per month for the tuition charged students to attend technical institutes beginning October 1, 1990. This would increase the self-generated revenues for the vo-tech system by approximately \$450,000 for Fiscal Year 1990-91.

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

There will be no costs or economic benefits to non-governmental groups. There will be an increase to the students attending vocational-technical institutes of \$5 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this action.

Graig Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Employment and Training
Office of Labor
Community Services Block Grant Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Louisiana Department of Employment and Training, Office of Labor, Community Service Block Grant is hereby giving notice of its intention to adopt LAC 40:XVII. Subpart 1. CSBG Policy Manual.

Comments should be forwarded to C. Gino Spina, Director of Community Services Block Grants Division, Box 94094, Baton Rouge, LA 70804-9094. Written comments will be accepted through the close of business, 4:15 p.m., October 26, 1990. Oral and written comments will also be accepted at the public hearing to be conducted on October 26, 1990 at 10 p.m. The site of this public hearing will be the Louisiana Department of Employment and Training, Third Floor Annex Conference Room, 1001 N. 23rd Street, Baton Rouge, LA. A copy of these rules may be reviewed at the community action agency's office in your area or obtained by contacting C. Gino Spina at the above address.

Phyllis Coleman Mouton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Community Services Block Grant Policy Manual and Special Clauses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only costs that are expected to arise from these changes are administrative costs such as printing, personnel and mailing, which are not expected to exceed \$1,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections since these rule changes only pertain to the subgrantees, and not to the approximately \$8.5 million in Community Service Block Grants received by the department from the federal government each year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
These changes will require the subgrantees to follow, at a minimum, the state procurement and travel policy regulations. For those subgrantees whose policies are more restrictive than the state's, these changes could require more funds to be spent on travel than on actual services. For those subgrantees whose policies are less restrictive than the state's, these changes would allow more funds to be spent on services.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These changes will place all competitors for grants on the same level, thus possibly increasing competition among subgrantees.

Robert B. Levy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Employment and Training
Office of Workers' Compensation**

(Editor's Note:) This proposed rule is being republished to change the public hearing date.

In accordance with the provisions of R.S. 49:950, et seq., of the Louisiana Administrative Procedure Act, and under the authority of R.S. 23:1034.2 and R.S.23:1203 of Act 938 of the 1988 Louisiana Regular Legislative Session, the Office of Workers' Compensation, through the Department of Employment and Training, gave notice of its intent to adopt a rule for the establishment of a medical reimbursement fee schedule for services rendered by physicians and all health care providers using CPT Codes (Current Procedural Terminology), which was published in the August 20, 1990 *Louisiana Register*.

The Office of Workers' Compensation hereby amends its prior notice of intent in regard to when verbal comments may be presented to read as follows: "Verbal comments may be presented at a hearing on September 27, 1990, at 1:30 p.m. in the Mineral Board Hearing Room of the Natural Resource Building, 625 North 4th Street, Baton Rouge, LA 70804."

Stephen W. Cavanaugh
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Medical Fee Reimbursement Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to produce the fee schedule was \$26,730 as prepared by Martin Segal Company, Inc., for the Office of Workers' Compensation. This contract was approved by the Office of Contractual Review. The cost to the Office of Workers' Compensation to reproduce one copy to the fee schedule is \$4.50
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Copies of this rule (fee schedule) will be provided by the Office of Workers' Compensation at a charge of \$31.23 per copy. Anticipated revenue of \$31.230 will be generated by amounts derived from the copies at 1,000 copies, which represents a "break even" amount for the copies and the costs to prepare and implement the schedule by Martin Segal, Inc.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The fee schedule will provide a limit on the amount physicians may charge workers' compensation insurers for services rendered to an injured employee. It shall control the cost for physician services rendered to government and non-government employees who are injured on the job. The precise economic benefit is not ascertainable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None. The medical fee reimbursement schedule is designed to provide guidance to health care providers when rendering services to injured employees. The impact is not directly felt on employment or competition. Employers through their insurance companies will realize a reduction in medical payments because health care

providers will be limited to the schedule's provisions when charging for medical services as a result of an on-the-job injury.

Stephen W. Cavanaugh
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection**

Under the authority of the Louisiana Environmental Quality Act, LA R.S. 30:2001, et seq., LA R.S. 40:1749.1(C)(1) and (F), and in accordance with the provisions of the Administrative Procedure Act, LA R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.2701 and Appendix A in Chapter 27, (Log Number AQ15).

These regulations will exempt public buildings built after 1978 from the requirements of Chapter 27 unless there is a possibility of the presence of asbestos or the building is used for education of grades kindergarten through twelve. These regulations will amend existing Section 2701 and Appendix A to allow for the exemption.

These proposed regulations are to become effective on December 20, 1990, or as soon thereafter as practical upon publication in the *Louisiana Register*.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 27. Asbestos-Containing Materials in Schools and Public Buildings Regulation

§2701. Asbestos-Containing Materials in Schools and Public Buildings

* * *

B. Applicability. The provisions of this Chapter apply to all local education agencies and the state government as defined in §2703 below. Public buildings built after 1978 are exempt from the requirements of this Chapter unless there is the possibility of the presence of asbestos or the building is used for education of grades kindergarten through twelve.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 15:735 (September 1989), amended LR 16:

Appendix A

* * *

G. Reciprocity.

* * *

3. a completed copy of the appropriate AAC form (see the following forms AAC-1, 3, and 4) and material required in Subsection E, or F; and

* * *

ASBESTOS ACCREDITATION AFFIDAVIT

I. Applicant Information: (print) Applicable year: _____
 Individual's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Company's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____

Circle all accreditations desired:
 Worker - Supervisor - Inspector - Management Planner - Project Designer

II. Qualifications for Accreditation:
 Asbestos School Attended: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Course Title: _____ Dates: _____ Grade: _____
 (Include copies of all certificates and diplomas.)

If classes were held outside of Louisiana, attach proof of training in Louisiana regulations, LAC 33:III, Chapters 25 and 27.

Inspectors, Management Planners, and Project Designers only:
 List Diplomas and Degrees obtained: _____

List Professional Registrations obtained: _____
 (Attach proof of degrees and registrations)

III. Regulation Knowledge and Enforceability:
 I have/do not have (circle one) a copy of the Louisiana Administrative Codes, Volume 11 which pertains to Air Quality regulations and updated copies of LAC 33:III, Chapters 25 and 27, if edited; and I have/have not (circle one) read and do/do not (circle one) understand those regulations pertaining to asbestos.

I am/am not (circle one) aware that false information or violation of any part of the regulations may result in civil and criminal actions in accordance with Louisiana R.S. 30:2025, and/or revocation of this accreditation.

IV. Validity of Accreditation:
 The valid term of the accreditation is from September 1st through August 31st of the year provided that any refresher training required within that period is completed. If refresher training is not completed, the accreditation will expire one year after the training certificate course completion date. The accredited agent is responsible for sending a copy of the refresher training certificate to the Louisiana Department of Environmental Quality, Air Quality Division, to maintain their accreditation.

If this is a renewal of a past accreditation, please include the previous accreditation number. (Accreditation Number: _____)

Applicant's Signature: _____ Date: _____
 (sign)

ASBESTOS TRAINING ORGANIZATION RECOGNITION APPLICATION

I. Applicant Information: (print) Applicable year: _____
 Company's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Representative's Name: _____

Company's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Representative's Name: _____

II. List of Classes:
 Attach a list of the classes scheduled to be taught including the location and dates of the classes, the targeted audience group, and at least two instructors who will be responsible for presenting the class materials. This must be received by the Louisiana Department of Environmental Quality, Air Quality Division (LDEQ-AQD) two weeks before the first class on the list commences. This list may be updated through the year provided LDEQ-AQD receives prior warning of added classes two weeks prior to the class and warning of cancelled classes seven days before the class should have started.

III. Training Materials:
 When requested by LDEQ-AQD copies of training material used in the classes for each targeted group need to be submitted. More than one group of classes may be covered with this application, and duplicate materials used for two groups may be submitted once with a notification of the duplication. LDEQ-AQD must be notified when training materials are updated. If training material has not changed from one year's application to another, notification of that fact will suffice.

IV. Instructor Recognition:
 All instructors that are listed on the course schedule and any added instructors who may teach a course within Louisiana must submit the latest version of the Asbestos Trainer Recognition form, AAC-4. The trainer must sign and date the form.

If this is a renewal of a past recognition, please include the previous recognition number(s). (Recognition Number: _____)

Responsible Person: _____ Date: _____
 (sign)

ASBESTOS TRAINER RECOGNITION

I. Applicant Information: (print) Applicable year: _____
 Trainer's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Company's Name: _____ Phone: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____

II. Qualifications for Trainer Recognition:
 Latest Asbestos School Attended: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Course Title: _____ Dates: _____ Grade: _____
 (Attach a list of all schools attended in the last five years which support your teaching asbestos abatement. Include copies of all certificates, diplomas, or CEU credits for classes listed.)

If classes were held outside of Louisiana, attach proof of training in Louisiana regulations, LAC 33:III Chapters 25 and 27, and possession of copies of the regulations.

List Diplomas and Degrees obtained: _____

List Professional Registrations obtained: _____

List Professional Associations obtained: _____

(Attach proof of degrees, registrations and memberships)

Years of asbestos related work as:
 Trainer: _____ yrs Worker: _____ yrs Supervisor: _____ yrs Inspector: _____ yrs
 Project Designer: _____ yrs Management Planner: _____ yrs

III. Regulations:
 I understand that asbestos training in Louisiana must include state specific regulations and any class I teach within Louisiana will include those regulations, forms used to comply with the regulations, and enforceability of the regulations with civil and criminal actions.

 (sign) Date: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 15:735 (September 1989), amended LR 16:

A public hearing will be held on October 26, 1990, at 1:30 p.m. in the Conservation Hearing Room, State Land and Natural Resources Building. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, October 29, 1990, at 4:30 p.m., to Joan Albritton, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA, 70804. Commentors should reference this proposed regulation by the Log Number AQ15.

J. Terry Ryder
 Assistant Secretary

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: LAC 33:III. Chapter 27
 Asbestos-Containing Material in Schools and Public
 Buildings Regulation**

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

No additional cost, or savings, to state or local government units are expected.

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

No local government or state government revenue changes are expected to occur.

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

The benefit to the exempted building owners is a savings of \$500 to \$5,000 on the asbestos inspection survey. The savings is expected to be approximately 10 cents per square foot of office space leased to the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected.

Mike D. McDaniel, Ph.D.
 Assistant Secretary

David W. Hood
 Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
 Office of Solid and Hazardous Waste**

Under the authority of the Louisiana Environmental Quality Act, LA R.S. 30:2001, et seq. particularly 30:2180 and 30:2193, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Regulations, LAC 33:V.1103, 1109, Chapter 22, 2311, 2511, 2519, 2715, 2913, 4301, 4313, 4459, 4471, 4503, 4511, 4901, 4903, (Log No. HW22).

This proposed rule will update state land ban regulations to maintain equivalency with the Federal Land Disposal Restrictions "second third" hazardous waste rule promulgated by EPA on June 23, 1989 (54 FR 26594, No. 120) and the "third third" hazardous waste rule promulgated by EPA on June 1, 1990 (55 FR 22520, No. 106). The "second third" rule evaluates and sets treatment standards for the "second third" of the listed hazardous wastes. The "third third" rule evaluates and sets treatment standards for the "third third" of the listed hazardous wastes, the characteristic wastes, and any remaining hazardous wastes not evaluated during the "first third" and "second third" rulemakings. This proposed rule will also correct typographical errors and ambiguities in the original land ban regulations (LAC 33:V.Chapter 22). A definition is added for the term, "duly authorized representative." Existing waste-specific prohibitions and treatment standards are amended to reflect changes made in the federal regulations. Feasibility of treatment is accounted for in seeking an exemption from the land disposal restrictions under LAC 33:V.2241. Provisions for case-by-case extensions are included in the administrative procedures outlined for exemptions under LAC 33:V.2243. The state will also adopt a federal waste code listing for multi-source leachate "F039."

These proposed regulations are to become effective on December 20, 1990, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on October 26, 1990, at 1:30 p.m. in the Conservation Hearing Room, State Land and Natural Resources Building. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, October 29, 1990, at 4:30 p.m., to Joan Albritton, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804. Commentors should reference this proposed regulation by the Log No. HW22. Copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, Commerce Building, 6th Floor, 333 Laurel Street, Baton Rouge, LA;

Department of Environmental Quality, 804 31st Street, Monroe, LA, 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

**Rule Title: "third third" wastes rule - LAC 33:V.1103,
1109, Chapter 22, 4301, 4313, 4459, 4471,
4503, 4511, 4901, 4903.**

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

No significant effect of this proposed rule on state or local governmental expenditures is anticipated. The proposed rule will simply correct errors and obscurities in existing state regulations and will update state regulations to maintain equivalency with federal regulations.

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

No significant effect of this proposed rule on state or local governmental revenue collections is anticipated.

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

No significant costs and/or economic benefits to directly affected persons or non-governmental groups is anticipated. The regulatory community is already required to abide by the regulatory requirements of the federal land disposal restrictions "second third" and "third third" hazardous waste rules promulgated by the Environmental Protection Agency. The state regulations will essentially track the federal rules in order to maintain equivalency with federal regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EM- PLOYMENT (Summary)

No significant effect of this proposed amendment on competition and employment is anticipated.

Timothy W. Hardy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Office of Solid and Hazardous Waste

Under the authority of the Louisiana Environmental Quality Act, LA R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, LA R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Regulations, LAC 33:V.5119, 5141, 5143, and 5145, (Log Number HW24).

Title 33 ENVIRONMENTAL QUALITY Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 51. Fee Schedules

* * *

§5119. Calculation of Annual Maintenance Fees

A. Formula to apportion fees

Annual Fee = fee per site + fee per facility + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + ground water protection annual fee + incineration inspection and monitoring fee + annual landfill inspection and monitoring fee + annual land treatment unsaturated zone monitoring inspection fee.

Off-site Disposer (commercial) \$48,800

Off-site Disposer (non-commercial) \$ 9,760

On-site Disposer \$ 4,880

* * *

H. Incinerator inspection and monitoring fee in accordance with LAC 33:V.5141.

I. Annual landfill inspection and monitoring fee in accordance with LAC 33:V.5143.

J. Annual land treatment unsaturated zone monitoring inspection fee in accordance with LAC 33:V.5145.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), amended LR 11:533 (May 1985), amended LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 16:684 (August 1990), LR 16:

* * *

§5141. Incinerator Inspection and Monitoring Fee

A. Trial burn or test burn observer fee

This is a special fee charged at a daily rate to cover the cost to the hazardous waste division of providing and placing on site a regulatory observer team during incinerator trial burns or other types of test burns required by regulations or the administrative authority when an observer team is required by regulations, specified by permit conditions, or considered necessary to ensure that human health and the environment are adequately protected.

1. This fee will be \$500 for each day of the test burn or trial burn.

2. This fee will be billed following completion of the trial burn or test burn, and must be paid within 30 days from receipt of billing.

B. Annual monitoring and maintenance fee for incinerators and commercial recycling furnaces

This is an annual fee applied to defray the cost to the hazardous waste division of annually inspecting the required continuous monitors and recording devices for each incinerator to determine whether they are being properly maintained and calibrated.

This fee will annually be a flat \$1,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:

§5143. Annual Landfill Inspection and Monitoring Fee

An annual fee shall be charged for the inspection of the regulatory requirement for leak detection and leachate collection systems associated with hazardous waste landfills to determine operational status and degree of proper maintenance.

For each landfill unit or cell with a separate leak detection and leachate collection system, the annual fee will be \$100.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:

§5145. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

1. Semiannual zone of incorporation (ZOI) inspection fee

This fee covers the cost of inspection and random sampling and laboratory analysis of the zone of incorporation.

| | |
|--|----------------------|
| ZOI soil samples | \$1,000 each acre |
| Soil-pore liquid monitors (Lysimeters) | \$2,500 each monitor |

2. Annual land treatment unit report review fee

This fee covers the cost of reviewing the report required by final permits for land treatment. Included in the annual land treatment unit report are the results of the unsaturated zone monitoring. Included are the semiannual soil core sample analyses and the quarterly soil-pore liquid quality analyses from below the treatment zone. Also included are soil moisture tensiometer readings of the ZOI.

| | |
|----------------------------|---------------------|
| Hazardous Waste Facilities | \$1,000 each report |
|----------------------------|---------------------|

3. Permit review fee

This fee covers the cost of reviewing permits for geology, geotechnical design, and hydrological separation requirements of these regulations.

| | |
|----------------------|--------------|
| Initial Permit | \$5,000 each |
| Permit Modifications | |
| Class 1 | \$ 200 each |
| Class 2 and 3 | \$ 750 each |

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:

These proposed amendments provide for the establishment of fees to defray the cost incurred by the department in providing professional geologists and engineers to inspect and ensure that leachate collection and leak detec-

tion systems are properly maintained. These fees will also defray the cost incurred by the department in providing professional personnel to inspect and evaluate land treatment unsaturated zone monitoring systems and the performance of incinerator systems.

These proposed regulations are to become effective on December 20, 1990, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on October 26, 1990, at 1:30 p.m. in the Conservation Hearing Room, State Land and Natural Resources Building. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, October 29, 1990, at 4:30 p.m., to Joan Albritton, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804. Commentors should reference this proposed regulation by the Log Number HW24.

J. Terry Ryder
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Geotechnical Amendments II Chapter 51
Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional cost to the state or local government is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated effect on revenue collections will be \$86,450 to be collected from the affected regulated community.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The industrial regulated community will incur an approximate average of \$17,290 per regulated facility.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
In view of the number of facilities affected; minimal, if any, impact on competition and employment is expected.

Timothy W. Hardy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Nursing**

The State Board of Nursing hereby gives notice that the board, at its January 24-25, 1991 meeting, intends to adopt amendments to the administrative rules, LAC 46:XLVII.

3503. H.3, definition of a "preceptor". The revised definition of "preceptor" is:

A *preceptor* is a registered nurse who is employed in a clinical setting and serves as a role model and resource person to enhance the learning experiences of a nursing student on a one to one basis for a specified time.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Betty N. Adams, Ph.D., R.N. Associate Director/Nursing Consultant for Education, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m, on January 4, 1991.

Betty N. Adams
Associate Director

A *preceptorship experience* is an individualized teaching-learning strategy in which a nursing student participates in clinical nursing practice while assigned to a preceptor who is a registered nurse employed in a clinical setting and who serves as a role model and resource person.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Betty N. Adams, Ph.D., R.N. Associate Director/Nursing Consultant for Education, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m, on January 4, 1991.

Betty N. Adams
Associate Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 35: Nursing Educational Programs LAC 46: XLVII.3503.H.3 "Definitions"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will benefit administrators and educators to enhance instruction and learning in nursing education programs by the amendment of LAC 46:XLVII. 3503.H.3, "Preceptor", which is one of the definition of terms in LAC 46: XLVII.3503. "Definition".
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment in nursing.

Betty N. Adams
Associate Director

David W. Hood
Senior Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 35: Nursing Education Programs LAC 46: XLVII.3503.G Definitions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will benefit administrators and educators to enhance instruction and learning in nursing education programs by the amendment of LAC 46:XLVII 3503 "Definitions" to also include a definition for the term, "preceptorship experience". "Preceptorship Experience" will be listed as LAC 46:XLVII. 3503.G.1.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment in nursing.

Betty N. Adams
Associate Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

The State Board of Nursing hereby gives notice that the board at its January 24-25, 1991 meeting, intends to adopt amendments to the administrative rules to add LAC 46:XLVII. 3503. G. 1., the definition of the term, "preceptorship experience" to be defined as:

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

The State Board of Nursing hereby gives notice that the board at its January 24-25, 1991 meeting, intends to adopt amendments to the administrative rules, LAC 46:XLVII. 3541. A through L, Requirement for Preceptorship. The proposed rule is to be amended as LAC 46:XLVII. 3541. A through K. The proposed rule is as follows:

A. Nurse faculty shall retain the responsibility for selecting and guiding student learning experiences and the evaluation of student performance with input from preceptors.

B. Preceptor experiences for students shall only occur during the last two academic semesters of a baccalaureate program and during the last semester of a diploma of associate degree program.

C. The total amount of instruction under the supervision of a preceptor shall be limited to a maximum 25 percent of the total clinical weeks in the program of study. Students required to repeat courses in which preceptorship experiences are conducted due to academic failure or withdrawal are excepted.

D. Preceptors shall be selected according to written criteria jointly developed by faculty, nursing administration in the clinical facility, and in accordance with guidelines established by the board of nursing.

E. A faculty member shall be available to preceptors at all times.

F. The educational program shall maintain a ratio of not more than 10 students to one faculty member for the preceptorship experience.

G. There shall be sufficient staff in the clinical facility to allow the preceptor adequate time to devote to the preceptee.

H. The faculty member shall confer with each preceptor and preceptee at least once during each daily learning experience.

I. The preceptor shall have at least two years of practice as a RN and a minimum of one year in the clinical area which the preceptorship occurs.

J. The preceptor shall have attained the educational preparation of the graduates of the program conducting the preceptorship experience. It is preferable that all preceptors hold at least a Baccalaureate in Nursing. Preceptors shall hold a minimum of a Baccalaureate Degree in Nursing, effective January 1, 1996.

K. There shall be one preceptor for each preceptee.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Betty N. Adams, Ph.D., R.N. Associate Director/Nursing Consultant for Education, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m, on January 4, 1991.

Betty N. Adams
Associate Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 35: Nursing Educational Program LAC 46:XLVII.3541 A thru L. Requirements for Preceptorship

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

There are no estimated implementation costs to state or local government units.

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

There is no estimated effect on revenue collections of state or local government units.

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

This rule will benefit administrators and educators to enhance instruction and learning in nursing education programs through the utilization of registered nurses as preceptors to nursing students during clinical learning experiences.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment in nursing.

Betty N. Adams
Associate Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

The State Board of Nursing hereby gives notice that the board at its January 24-25, 1991 meeting, intends to adopt amendments to the administrative rules, LAC 46:XLVII.3541. The title of the current rule, LAC 46:XLVII.3541 "Requirements for Preceptorship" is to be amended as LAC 46:XLVII.3541 "Preceptorship Learning Experiences".

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Betty N. Adams, Ph.D., R.N. Associate Director/Nursing Consultant for Education, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m, on January 4, 1991.

Betty N. Adams
Associate Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 35: Nursing Education Programs LAC 46: XLVII.3541 Requirements for Preceptorship

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

There are no estimated implementation costs to state or local government units.

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

There is no estimated effect on revenue collections of state or local government units.

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

This rule will benefit administrators and educators to enhance instruction and learning in nursing education programs through the utilization of registered nurses as preceptors to nursing students during clinical learning experiences.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment in nursing.

Betty N. Adams
Associate Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Title XIX (Medicaid) Program.

Section 6404 of Public Law 101-239, the Omnibus Budget Reconciliation Act of 1989, amended Section 1905(a) and (1) of the Social Security Act to require Title XIX Medicaid coverage of health and medical services provided by Federally Qualified Health Centers (FQHCs). Federal regulations have not been promulgated as yet regarding the statutory requirements relating to FQHCs. However, Section 6404 required the states to implement the FQHC amendments no later than April 1, 1990. The department exercised the emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953 B, implementing the federal requirements for FQHCs effective April 1, 1990 and July 30, 1990 in the *Louisiana Register* Volume 16, Numbers 4 and 8 respectively. The bureau is currently in the process of amending the Title XIX Medicaid State Plan to incorporate the FQHC provisions of OBRA '89.

RULE

Services provided by enrolled Federally Qualified Health Centers (FQHCs) to Medicaid eligible recipients are reimbursable under Title XIX Medicaid at 100 percent of allowable costs subject to the following conditions. FQHC services, referred to as core services, are defined in Part II.A. and shall be reimbursed as Medicaid services. Other ambulatory services covered under Louisiana's Title XIX State Plan may be provided by FQHC providers who met federal and state regulatory requirements. Other ambulatory services are defined in Part II.B. Part III. sets forth the reimbursement methodology for covered Title XIX services rendered by FQHCs.

I. Standards for Participation

In order to participate in the Title XIX Medicaid Program, Federally Qualified Health Centers shall meet the definition of an FQHC facility set forth in Paragraph A.(1.), (2.) or (3.) below and must be an enrolled provider in accordance with Paragraph B.

A. Federally Qualified Health Center Defined.

1. Must be a center receiving Public Health Service grant funds under authority of Section 329-Migrant Health Centers; Section 330-Community Health Centers; or Section 340-Services to Homeless Individuals.

2. Must be a non-federally funded health center that the Public Health Service recommends, and the secretary of the U.S. Department of Health and Human Services determines, should be designated as a FQHC;

3. Must be a non-federally funded health center that the secretary of the U. S. Department of Health and Human Services determines may, for good cause, qualify through waivers of the Public Health Services requirements.

B. Provider Enrollment

To participate in the Title XIX Medicaid program as a provider, Federally Qualified Health Centers must:

1. Enter into a provider agreement and complete applicable provider supplemental agreements with the Department of Health and Hospitals, Bureau of Health Services Financing, and abide by the provisions of the provider agreement(s) and other applicable state and federal regulations related to enrollment as a Medicaid provider.

2. Ensure that sufficient records documenting the medical necessity of services and adherence to state and federal regulations for provision of such services are maintained in accordance with state and federal regulations.

3. Maintain an acceptable fiscal record keeping system that will enable the services provided by the FQHC to be readily distinguished from any other type of service which the facility may provide.

II. FQHC Covered Services Defined

The following services when provided by a FQHC are reimbursable under Title XIX Medicaid Program:

A. FQHC "Core" Services

1. Physician Services are medically necessary services furnished by a physician, performed within the scope of practice of medicine or osteopathy as defined by state law; and services by or under the personal supervision of an individual licensed under state law to practice medicine or osteopathy. Includes medically necessary services, including pneumococcal and influenza vaccines, and supplies incident to physician services (including drugs and biologicals that cannot be self-administered).

2. Nurse Practitioner Services are medically necessary services performed within the scope of practice as defined by state law and regulations for a licensed and registered nurse who is recognized by the Louisiana State Board of Nursing as a primary nurse associate (also known as a nurse practitioner and includes nurse midwives.)

3. Physician Assistant Services are medically necessary services limited to licensed physician assistants under the direct supervision of a licensed physician as permitted by state law and regulations.

4. Clinical Psychologist Services are services performed within the scope of practice as defined by state law and regulations and provided by a clinical psychologist in accordance with the individual's treatment plan. Includes services and supplies incident to clinical psychologist services as would otherwise be covered if furnished by or incident to physician services.

5. Clinical Social Worker Services are services performed within the scope of practice as defined by state law and regulations in accordance with the individual's treatment plan.

6. Includes services and supplies incident to clinical social worker services as would otherwise be covered if furnished by or incident to physician services.

B. Other Ambulatory Services Covered Under Title XIX When Provided by a FQHC

1. Case Management Services are services limited to providers who meet the requirements for the provision of case management services as set forth in the State Plan. Providers shall be subject to all service limits and regulations set forth for case management services in the State Plan as well as state and federal guidelines and policies.

2. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services are limited to providers who meet the requirements for the provision of EPSDT services as described in the State Plan. Providers are subject to all service limits and standards set forth for the EPSDT Services as well as state and federal regulations and guidelines. Health education and nutrition counseling services may be provided to EPSDT eligibles in accordance with the EPSDT service requirements.

3. Dental Services are services limited to providers who meet the requirements for the provision of dental services described in the State Plan. Providers are subject to the service limits and regulations set forth for dental services in the State Plan as well as state and federal guidelines and policies.

4. Pharmacy Services are services limited to providers who meet the requirements for the provision of pharmacy services described in the State Plan. Providers are subject to the service limits and regulations set forth for pharmacy services in the State Plan as well as state and federal guidelines and policies.

5. Transportation Services are services limited to providers who meet the requirements for the provision of transportation services described in the State Plan as well as state and federal guidelines and policies. FQHC providers shall not provide non-emergency transportation services in areas covered by the Transportation Freedom of Choice Waiver.

III. Reimbursement Methodology

A. FQHC services shall be reimbursed based on allowable costs for medically necessary services. Allowable costs shall be determined based upon desk review and audit of annual reports in accordance with Medicare principles of reimbursement and procedures for determining allowable cost as set forth in HIM-15. Providers shall be required to report costs on an annual basis in accordance with Federal and State regulations, guidelines, and policies. Providers shall be interimly reimbursed based upon fees currently paid for similar or identical services covered under the plan as specified below.

B. Interim Reimbursement Methodology

1. Physician and Physician Assistant Services

Payment for services provided by a licensed physician or a licensed physician assistant (under direct supervision of a licensed physician) shall be based on current reimbursement described in the State Plan which is a statewide flat fee-for-service. In addition, the existing physician service limits the exceptions shall be used on an interim basis with provision for extension of this limit for FQHC providers when medically necessary and approved by the prior authorization unit.

2. Medically necessary services and supplies incident to physician services (including drugs and biologicals that cannot be self-administered) shall be based on physician re-

imbursement as described in III.B.1. above.

3. Fees for the pneumococcal or influenza vaccine and their administration shall be based on the methodology set forth in the State Plan which is a statewide flat fee-for service.

4. Nurse practitioners

Payment for services provided by a licensed registered nurse who is recognized by the Louisiana State Board of Nursing as a primary nurse associate (also known as a nurse practitioner), as permitted by state law and regulations shall be based on physician reimbursement described in Paragraph III.B.1.

5. Clinical Psychologist and Clinical Social Worker Services

Services shall be reimbursed interimly based on the program's current flat fee for services for EPSDT treatment services.

6. Services and supplies incident to clinical psychologist and clinical social worker services as would otherwise be covered if furnished by or incident to physician services shall be based on the physician reimbursement set forth in III.B.1.

7. Case Management Services

Payment shall be on a unit of service basis which is defined as 15 minutes. A unit of service prospective rate will be established for each type of case management which is based on the cost of providing case management services. These rates may not exceed the State Plan per unit of service limit.

8. Early and Periodic Screening, Diagnosis and Treatment Services

Shall be reimbursed according to a schedule of fees established for EPSDT providers or service.

Payment to dentists is based on the lower of the dentist's billed charges or the State's established schedule of fees.

9. Dental Services

Payment for dental services shall be based on dental reimbursement which is a statewide flat fee for service.

10. Pharmacy

Payment for pharmacy services shall be based on the current reimbursement methodology in the State Plan for pharmacy providers.

11. Transportation

FQHC providers shall not provide non-emergency transportation services in areas covered by the Non-Emergency Transportation Freedom of Choice waiver. Payment of other transportation services, as well as non-emergency transportation services outside of waived areas, shall be based on transportation reimbursement as set forth in the State Plan.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Director, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding the proposed rule.

A public hearing on this proposed rule will be held on October 2, 1990, in the Auditorium, First Floor, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Implementation of Federally Qualified Health Centers (FQHCs)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Implementation costs to the state are estimated to be \$362,537 for FY 90-91; \$392,285 for FY 91-92; and \$429,539 for FY 92-93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Under this proposed rule, federal funding is estimated to increase by \$975,301 in FY 90-91; \$1,075,837 for FY 91-92; and \$1,181,803 for FY 92-93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
*Health services to Medicaid recipients provided by Federally Qualified Health Centers are estimated to be \$1,229,009 in FY 90-91; \$1,354,940 in FY 91-92; and \$1,493,633 in FY 92-93.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule will have no known impact on competition or employment.

* The estimates contained in the impact statement are based on general provisions in the Omnibus Budget Reconciliation Act of 1989 as well as HCFA policy issuances and technical assistance. Specific regulations concerning the level and extent of services to be provided under the provisions have not yet been promulgated by the Health Care Financing Administration in the form of federal regulations. Therefore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, Health Standards Section, proposes to adopt the following rule in the *Standards for Payment-Licensing Requirements for Day Care Providers-Adult Day Health Care*.

Section 43.28 of the Standards for Payment for Adult Day Health Care Services sets forth the conditions when an adult day care center can be located within a nursing home. Section 43.28 is being revised to include as a condition of licensure the "alternate use" policy, which makes provision for conversion of beds in a nursing home to space which can be used for the provision of adult day health care services. The revised Section 43.28 is set forth below.

RULE

Standards for Payment-Licensing Requirements for Day Care Providers-Adult Day Health Care

Section 43.28 *Centers Combined Within Nursing Homes*

An adult day care center can only be located within a nursing home when the following conditions are met:

43.28.1 Space required for licensure of the nursing home cannot be simultaneously utilized as space for the licensure of the adult day care center.

43.28.2 If space to be used for adult day care is nursing home bedroom space, the number of beds involved with the adult day care program must be reduced from the licensed capacity of the nursing home.

43.28.3 There must be separate staff for both programs.

43.28.4 For Title XIX (Medicaid) participating nursing homes, the following alternate use policy applies. In a service area (parish) in which average annual occupancy is lower than 93 percent for licensed approved (certified) Title XIX beds, a nursing home may temporarily convert a number of nursing home beds to an alternate use such as adult day health care space until such time as the average annual occupancy in the service area exceeds 93 percent. At that point the facility may re-enroll the beds as nursing home beds.

43.28.5 For non-participating nursing homes, the alternate use policy is applicable with the exception of the 93 percent occupancy requirement for licensed approved (certified) Title XIX beds.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on Tuesday, October 2, 1990 in Auditorium, First Floor, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at the hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Revision of Licensing Requirement for Adult Day Health Center in a Nursing Home

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated implementation cost will be \$100 for revision of the *Minimum Standards for Adult Day Care Services*, which is the projected cost to the state of SFY 1990-91. There is no expenditure increase or decrease projected for program services in FY 91-92 and FY 92-93 as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost of implementing the proposed rule is \$100 in state funds for revisions to the licensing manual. There is no projected impact on revenues for FY 91-92 and FY 92-93.

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

There will be economic benefits to nursing home owners in areas where the occupancy rate is low since some of the beds may be converted alternately for another use such as adult day health care. There is no projected fiscal impact on other groups resulting from this rule in FY 90-91, FY 91-92, and FY 92-93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE INTENT

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

In accordance with requirements of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), the Bureau of Health Services Financing has adopted the designation nursing facilities participating in Title XIX, Medicaid, in referring to all current ICF I, ICF II, and SNF facilities effective October 1, 1990. Reimbursement shall be based on patient-specific classifications of care rather than the current facility-specific levels of care. Current level of care per diem rates shall be applicable to corresponding classifications of care, with additional base rate adjustments and lump-sum payments providing the necessary reimbursement to allow provision of services in conformity with OBRA '87 regulations.

The following standards, applicable to all nursing facilities, are being adopted as required by Nursing Home Reform provisions of OBRA '87.

Quality of Life

NF must:

1. promote the maintenance/enhancement of patient quality of life;
2. maintain quality assessment and assurance committee - composed of nursing director, physician, and three other staff members; committee must meet quarterly to identify quality assurance activities and implement plan to correct deficiencies.

Plan of Care

Services must be provided according to a plan of care. Plan to be developed by attending physician, RN, and resident or representative. Plan must describe patient's medical, nursing, and psychosocial needs, and how needs will be met. Plan must be reviewed/revised periodically following resident assessment.

Residents' Assessment

Resident assessment must be conducted by RN within regulatory timeframes.

Assessment must:

1. describe resident capabilities and significant impairments in performing ADLs;
 2. be based on uniform minimum data set prescribed by HHS;
 3. identify medical problems of Medicare-eligible residents;
 4. use state-specified instrument for Medicaid-eligible residents;
 5. be performed at least once every 12 months, or after significant change in condition;
 6. be coordinated with PAS to avoid duplication.
- Preadmission screening (PAS) - MR/MI residents must not be admitted to NF without state MR/MI authority concurrence.

Provision of Services and Activities

NF must provide for necessary services that meet professional quality standards, including:

1. nursing/specialized rehab;
2. medically-related social services;
3. pharmaceutical services;
4. dietary services;
5. on-going activities program;
6. routine/emergency dental services to the extent covered under the State Plan.

24-Hour Nursing Services

24-hour nursing required of all NFs. RN required for eight consecutive hours, seven days per week. Waivers to the nursing services requirements available if:

1. no danger to health and safety;
2. NF demonstrated it is unable to recruit;
3. RN/physician is obligated to respond immediately to telephone calls.

Required Training of Nurse Aides

Within first four months of employment, nurse aid must:

1. complete a state-approved training and competency evaluation program;
2. be determined competent.

Nurse aides employed as of 7/1/89 must complete training and competency evaluation by 1/1/90. Retraining required for aides who have not performed nursing-related services for a 24-month period. NF to provide regular inservice education. NF must query state nurse aid registry to determine competency prior to employing aides.

Physician Supervision and Clinical Records

Physician must:

1. supervise the health care of each patient;
2. be available in emergencies.

NF must maintain clinical records on all residents, including plans of care and assessments.

Social Services Requirements

NFs with more than 120 beds must employ a full-time, degreed (or similarly credentialed) social worker.

Specified Rights

NF must assure resident:

1. choice of physician;
2. involvement in plan of treatment;
3. freedom from chemical or physical restraint;
4. privacy in accommodations, treatment, communications, visits, and meetings;
5. confidentiality of records;
6. reasonable living accommodations;

- 7 equitable grievance process;
- 8. right to gather with family or organize in groups;
- 9. right to participate in social, religious or community activities;
- 10. access to state survey results.

Notices of Rights and Services

NF must inform resident of:

- 1. legal rights of resident;
- 2. available services and charges;
- 3. services not covered by Medicaid or Medicare.

NF must provide written statement, upon request, or:

- 1. legal rights of resident;
- 2. description of protection of personal funds;
- 3. fact that complaints may be filed with state survey agency, regarding resident abuse, neglect or misappropriation of resident property.

Rights of Incompetent Residents

The rights of residents judged incompetent under state law shall be exercised by the person appointed by the court to act on the resident's behalf.

Use of Psychopharmacologic Drugs

NF must not administer psychopharmacologic drugs to Medicaid recipients unless:

- 1. ordered by physician, and;
- 2. as part of a plan designed to eliminate or modify symptoms for which the drugs are prescribed, and;
- 3. only if appropriateness is reviewed annually by an independent consultant.

Transfer and Discharge Rights

NF must not transfer or discharge resident unless:

- 1. necessary for resident's welfare;
- 2. improvement in resident's health precludes continued need for facility's services;
- 3. health or safety of resident is endangered;
- 4. resident has failed, after notice, to pay allowable charges;
- 5. facility has closed.

NF must notify resident and known family member at least 30 days in advance of transfer or discharge unless:

- 1. resident's health or safety is endangered;
- 2. health improvements have made continued stay unnecessary;
- 3. urgent needs require more immediate transfer or discharge;
- 4. resident has not been in facility for 30 days.

Effective 10/1/90, each notice must include resident's right to appeal, name, mailing address and telephone number of state long-term care ombudsman.

NF must provide sufficient preparation to residents to ensure a safe and orderly transfer or discharge.

Access and Visitation Rights

NF must:

- 1. permit immediate access to any resident by any representative of the secretary or state, an ombudsman, specified agencies, or resident's individual physician;
- 2. permit immediate access to a resident, subject to a resident's right to deny or withdraw consent, by the resident's family or relatives;
- 3. permit immediate access to a resident, subject to reasonable restrictions and his/her right to deny or withdraw consent, by others who are visiting resident;
- 4. permit reasonable access to a resident by any entity that provides health, social, legal, or other services to the

resident subject to the resident's rights to deny or withdraw consent;

5. permit representatives of state ombudsman, with the permission of the resident, and consistent with state law, to examine a resident's clinical records.

Equal Access to Quality Care

NF must maintain identical policies and practices regarding transfer, discharge and covered Medicare services for all individuals regardless of payment source.

Admission Policy

NF must not require, as a prerequisite to admission:

- 1. applicants or residents to waive their rights to Medicaid or Medicare benefits;
 - 2. oral or written assurance that such individuals are not eligible for and will not apply for Medicare or Medicaid.
- NF must provide oral and display written information about:

- 1. how to apply for and use benefits;
- 2. how to receive refunds for previous payment covered by Medicare or Medicaid.

The NF cannot require third party guarantee of payment as condition of admission or continued stay.

Medicaid Only

NF must not charge, solicit, accept or receive, in addition to any amount otherwise required to be paid under the State Plan, any gift, money, donation or other consideration as a precondition for admission of an individual. NF may charge for items or services the resident has requested and received that are not specified in the state plan as "nursing facility services".

Protection of Resident Funds

NF may not require residents to deposit personal funds with the facility. NF must, if it accepts the written authorization to manage and account for personal funds.

- 1. deposit all amounts \$50 and over in an interest-bearing account separate from the facility's operating account;
- 2. credit interest to the separate account;
- 3. maintain other personal funds in a non-interest bearing account or petty cash fund;
- 4. keep separate accounting for each resident's personal funds and make the written records accessible to residents;
- 5. upon death of resident, promptly convey personal funds and final accounting to administrator of resident's estate;
- 6. insure that personal funds are not charged for anything payable under Medicare or Medicaid.

6. insure that personal funds are not charged for anything payable under Medicare or Medicaid.

Medicaid Only

NF must notify residents when their personal funds account reaches \$200 less than the resource eligibility guideline and advise that Medicaid eligibility is jeopardized if the account exceeds the guideline.

Administration

NF must be administered to utilize resources effectively and efficiently. NF must notify state licensing agency of changes in:

- 1. ownership, controlling interest;
 - 2. officer, directors, agents, managing employees;
 - 3. corporation, association or management company;
 - 4. administrator;
 - 5. director of nursing.
- NF administrator must meet standards set by HHS.

Licensing and Safety Code

NF must:

- 1. be licensed under applicable life state law;
- 2. meet applicable life safety code (subject to waivers by HHS if hardship on NF, and no adverse effect on health and safety).

Sanitary and Infection Control, and Physical Environment

NF must:

- 1. maintain infection control program;
- 2. be designed, constructed, equipped and maintained to protect health and safety of residents, staff, and public.

Nurse Aide Training and Competency Evaluation Program

The state must specify training and evaluation programs for nurse aides. The state must provide for review and approval of such programs with specified methodologies and at specified frequencies.

RULE

The Bureau of Health Services Financing is hereby implementing the provisions of Nursing Home Reform as mandated by Omnibus Budget Reconciliation Act of 1987 (OBRA '87) utilizing Health Care Financing Administration (HCFA) policy issuance and technical assistance until final regulations are adopted by HCFA.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on October 2, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Implementation of Nursing Home Reform

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the state are estimated to be \$5,192,926 for FY 90/91, \$3,667,240 for FY 91/92, and \$3,905,611 for FY 92/93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Under this proposed rule, federal funding is estimated to increase by \$13,263,633 for FY 90/91, by \$10,347,306 for FY 91/92, and by \$11,019,881 for FY 92/93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Reimbursement to nursing facilities is expected to increase by \$18,456,459 in FY 90/91, by \$14,014,546 in FY 91/92, and by \$14,925,492 in FY 92/93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Docket No. PL 90-118

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Office of Conservation has initiated rule-making procedures to adopt Hazardous Liquids Pipelines Enforcement regulations.

A public hearing will be held at 9 a.m. on October 18, 1990, in the Conservation Auditorium, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

A copy of the proposed rule may be obtained from the Office of Conservation.

Written comments should be submitted no later than October 17, 1990, to Commissioner J. Patrick Batchelor, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275.

J. Patrick Batchelor
Commissioner of Conservation

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Hazardous Liquids Pipeline Enforcements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional implementation costs to the state. Hazardous liquid pipeline regulations are currently being enforced by the State Office of Conservation without formally promulgated enforcement regulations with the same resources currently being utilized. Local governments will not be affected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The enforcement procedures do not directly affect state revenue collections. The cost of hearings, though, will continue to be charged to pipeline companies involved in hearings, as authorized in R.S. 30:21. Local governments will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no additional costs to pipeline companies and enforcement of existing pipeline regulations will continue to be carried out.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

J. Patrick Batchelor
Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of Mineral Resources**

In accordance with R.S. 49:950 et seq., the Department of Natural Resources, Office of Mineral Resources, is amending LAC 43:I, Part V, Chapter 1 as follows:

Title 43

NATURAL RESOURCES

Part V. Office of Mineral Resources

Chapter 1. Administration

§103. Fees

A. - D.

E. Fee for conducting geophysical surveys on state-owned lands and waterbottoms in the amount of \$1,000 to \$3,000 depending on the area of the state involved.

F. - G.

H. Fee of \$35 per hour for the number of staff hours required to process requests from payors of royalties seeking reimbursements of overpayments of royalties.

I. Fee of \$160,497 to cover the annual cost of administration of an in-kind royalty oil program, said fee to be paid by purchaser of state's royalty oil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:136(A), (2) as amended by Act 1018 of 1990 and 30:142(A) as amended by Act 1017 of 1990.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 14:544 (August 1988), amended LR 16:

The amendments will take effect December 20, 1990.

Questions or comments relative to the amendments may be directed to William E. Howe, Chief Landman, Office of Mineral Resources, Box 2827, Baton Rouge, LA 70821, telephone (504) 342-4615, and must be received by September 30, 1990.

Ron Gomez
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Processing requests for reimbursements of overpaid royalties - Fee Notice

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

There will be no additional implementation costs to the state. The State Office of Mineral Resources will continue

to process and verify claims for refunds of royalty overpayment with the 2.5 full time equivalent staff positions currently providing this service. Other revenues currently supporting these services will be saved and available for other expenditures. This saving is estimated to be \$155,000 per year, assuming the fee does not reduce the number of claims and fee revenue. Local governments will not be affected.

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

The State Office of Mineral Resources will assess a fee of \$35 per hour for the total hours required to process each claim. The fee will support the cost of providing the processing and verification service. The revenue expected from this fee is estimated to be \$155,000 per year. However, should the imposition of the fee reduce the number of claims, actual revenue collected may be less than estimated above. Local governments will not be affected.

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

Royalty payors will collectively pay the office an estimated \$155,000 per year for processing and verifying their claims for refund. The total fee amount per claim will be deducted from the refund owed. In the event the fee amount exceeds the refund, the claimant will be billed for the balance of the fee. Thus, it is possible that some claims for small refunds will not be made.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Although the fee will reduce the dollar amount of refunds received by royalty payors, the relatively small reduction is not likely to affect competition or employment.

Edward H. Rhorer
Deputy Assistant Secretary

David W. Hood
Senior Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Sale of In-Kind Royalties - Fee Notice

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

The estimated implementation costs of an in-kind royalty oil program in the first full year are \$160,497 and include two additional staff positions in the State Office of Mineral Resources. Local governments will not be affected.

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

Initial plans are to award an annual contract to a single buyer through competitive bidding for 3,500 barrels per day and generate approximately \$500,000 per year in additional royalty receipts. However, the actual amount of additional royalty receipts will depend on the premium over current royalty oil prices that a buyer will pay to obtain this oil. In addition, the buyer will be assessed the annual administrative costs of the program as a fee of \$160,497. Parish governments will receive 10 percent of any increased royalty proceeds attributable to production in their parishes that is sold through this program.

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

The fee assessment (\$160,497) and royalty premium costs will be borne by the buyer of the royalty oil. In addition, initial plans are to require the buyer to post a bond sufficient to cover the value of a 45-day supply of the royalty oil. The buyer will benefit by receiving a stable quantity and cost for the length of the contract term.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent the buyer is able to expand his production of refined products as a result of receiving this oil, both competition and employment in the refined oil products sector of the economy may be enhanced.

Edward H. Rhorer
Deputy Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Pardons**

In accordance with the provisions of R.S. 49:953(a)(1) and (2) et seq., the Department of Public Safety and Corrections, Corrections Services, Board of Pardons, hereby gives notice of its intent to promulgate rules and regulations relative to the processing of clemency applications.

**Title 22
CORRECTIONS, CRIMINAL JUSTICE
AND LAW ENFORCEMENT
Part V. Board of Pardons**

Chapter 1. Applications

§101. Filing Procedure

A. To constitute a complete application for pardon, commutation of sentence or restoration of citizenship, an application must comply with the following:

1. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date of sentence, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§103. Hearing Dates

A. The board's regular meeting days are Tuesdays and Wednesdays. It shall also meet at such times as the chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§105. Notice of Hearings

A. Before considering the application for pardon or commutation of sentence for any person, the board must have proof of advertisement from the applicant. This ad must be placed in the official journal of the parish of conviction stating that the applicant has submitted an application to the Board of Pardons for clemency and will be given a hearing. Ad is to run for three days within a 30-day period of time, without cost to the Department of Public Safety and Corrections, Board of Pardons.

B. Upon receipt of proof of publication from the applicant, the board shall give written notice of the date and time at which the application will be heard and considered, at least 30 days prior to the hearing to the following:

1. the district attorney and sheriff of the parish in which the applicant was convicted;
2. the applicant;
3. the victim who has been physically or psychologically injured by the applicant, and the victim or his spouse or next of kin, unless the injured victim or his spouse or next of kin advises the board, in writing, that such notification is not desired;

4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant, unless the spouse or next of kin advises the board, in writing, that such notification is not desired; and

5. any other interested persons.

C. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§107. Discretionary Powers of the Board

A. An application may be considered by the board any time after it is received, but no application will be considered by the board until it deems the application to be complete.

B. In determining which cases are ready to be heard, the board may, in its discretion, refuse a hearing to any applicant because of insufficient time served on sentence, proximity of parole/good time date, past criminal record or his poor conduct while incarcerated, or other factors determined by the board. However, if good cause is shown, nothing in this article shall prevent the board from hearing the types of cases mentioned hereinabove.

C. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§109. Employment and Residence Agreements

A. To demonstrate good faith, an applicant should provide the board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the board of the applicant's plans for the present and/or future.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§111. Denials

A. The board, upon denying an application, shall within 21 working days, notify the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

§113. Governor Denials

A. The board, upon denial of a favorable recommendation by the governor, shall review applicant's petition automatically at a time established at the board's discretion (generally one year from date of governor's denial). Prior to the time of the scheduled review, which shall consist only of reviewing documents with no legal representation or witnesses present, the applicant will be allowed to decide whether or not to proceed with said review or to submit a new application. After an automatic review, the decision of the board and/or governor will be final and no other automatic review will be granted on said application. This rule does not apply to applications denied after hearing by the board.

B. In the case of an incarcerated applicant whose case is denied by the governor and who has within one year of the denial been paroled, good timed out under parole supervision or released from the sentence, no review will be conducted.

C. At least 30 days prior notice of the review will be given to applicant and others as required in §105-Notice of Hearings. This rule will apply only to those cases denied by the governor after December, 20, 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:

Interested persons may submit written comments to the following address: Yvonne G. Campbell, Chairman, Board of Pardons, 504 Mayflower Street, Baton Rouge, LA 70802. Comments will be accepted through the close of business, 4:30 p.m., October 15, 1990.

Yvonne G. Campbell
Chairman

Fiscal and Economic Impact Statement

For Administrative Rules

Rule Title: Rules and Regulations for Processing Applications for Clemency

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

There are no implementation costs or savings to state or local governmental units associated with this rule.

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

There will be no effect on revenue collections of state or local governmental units associated with this rule.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Bruce N. Lynn
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Liquefied Petroleum Gas Commission**

In accordance with the provisions of R.S. 49:950, the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission proposes to adopt the changes in its rules and regulations. The commission will hold a public hearing October 4, 1990, 265 South Foster Drive, Baton Rouge, LA at 8:30 a.m. Written comments will be accepted through September 28, 1990 and should be sent to Jimmy Long at Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing.

These proposed rules may be viewed in their entirety at the Liquefied Petroleum Gas Commission at the above address or at the Office of the State Register, 900 Riverside N., Baton Rouge, LA.

Jimmy Long
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: General Amendments**

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

There are no implementation costs or savings to state or local governmental units.

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

There is no effect on revenue collections of state or local governmental units.

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

May require modification of some existing equipment, however, these costs could not be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Rex McDonald
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Revenue and Taxation Tax Commission

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the Louisiana Tax Commission intends to amend the following Sections of the Louisiana Tax Commission real/personal property rules and regulations:

- Constitutional and Statutory Guides To Property Taxation (LAC 61:V.111, 113, 118, 121)
- Definitions (LAC 61:V.301)
- Real Property (LAC 61:V.303)
- Real Property Report Forms (LAC 61:V.305)
- Personal Property Report Forms (LAC 61:V.307)
- Loan and Finance Companies (LAC 61:V.501, 503)
- Watercraft (LAC 61:V.701, 703)
- Oil and Gas Properties (LAC 61:V.905, 909)
- Drilling Rigs and Related Equipment (LAC 61:V.1101, 1103)
- Pipelines (LAC 61:V.1307)
- Aircraft (LAC 61:V.1501, 1503)
- Inventories (LAC 61:V.1705, 1707)
- Leased Equipment (LAC 61:V.2101)
- General Business Assets (LAC 61:V.2501, 2503)
- Use Value (LAC 61:V.2705, 2707)
- Public Service Properties (LAC 61:V.2901)
- Public Exposure of Assessments; Appeals (LAC 61:V.3101)

Financial Institutions (LAC 61:V.3301)

Miscellaneous (LAC 61:V.Chapter 35)

The action being taken is in compliance with statutory law administered by this agency as set forth in R.S. 47:1837.

The proposed amendments may be viewed at the office of the Louisiana Tax Commission, 923 Executive Park Ave., Suite 12, Baton Rouge, LA between the hours of 8 a.m. and 4 p.m. E. W. "Ed" Leffel is the person responsible for responding to inquiries concerning the intended action.

Interested persons may submit written comments on the proposed rules until 4 p.m., October 5, 1990, at the following address: Louisiana Tax Commission, Attention: E. W. "Ed" Leffel, Property Tax Specialist, Box 66788, Baton Rouge, LA 70896.

Mary K. Zervigon
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Real/Personal Property Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$6,162 for the 1990-91 fiscal year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These revisions will generally decrease 1991 personal property assessments for property of similar age and

condition in comparison with equivalent assessments in 1990. Composite Multiplier Tables for all personal property decreased by an average of 0.9 percent as based on the annual Marshall and Swift Cost Index and Depreciation Tables in use since 1982. Specific valuation tables for assessment of watercraft and sub-surface oil and gas equipment will generally increase by an estimated average of 20 percent. It is anticipated that growth in the quantity of assessed personal property will offset the reduction in the average Composite Multiplier Tables so that overall growth of 1991 collections is estimated at 4 percent or a \$15.4 million increase.

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

The effect of these new rules on assessments of individual items of equivalent personal property will generally be lower in 1991 than in 1990. However, assessments on watercraft and sub-surface oil and gas equipment will generally be higher. Specific assessments will depend on the type, age and condition of the property subject to assessment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. Inasmuch as the proposed changes in assessments are relatively small, the impact is thought to be minimal.

Mary K. Zervigon
Chairman

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, proposes to adopt the following rule in the Job Opportunities and Basic Skills (JOBS) Training Program.

This rule is mandated by R.S. 460.3(A)(3) (Act 604 of the 1990 regular session of the Louisiana Legislature).

PROPOSED RULE

Participation in the JOBS Program that is to be implemented effective October 1, 1990 shall be mandatory for all recipients of Aid to Families with Dependent Children (AFDC), unless determined exempt in accordance with federal regulations at 45CFR250.30 or 250.33. Those exemptions include the parent or other relative of a child under three years of age who is personally providing care for the child. (The rule establishing the JOBS Program that was previously published, prior to passage of the above-referenced statute, stated that Louisiana would exercise the option to reduce the age requirement to one year. Refer to the July, 1990 issue of the *Louisiana Register* for the complete text of that rule.)

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on October 26, 1990 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Job Opportunities and Basic Skills Training
Program (JOBS)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs associated with this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The Job Opportunities and Basic Skills (JOBS) Training Program, to be implemented effective October 1, 1990 in ten parishes, will assist recipients of Aid to Families with Dependent Children (AFDC) to become self-sufficient and therefore independent of public assistance. The previous rule for implementation of the JOBS Program (published in the July, 1990 Issue of the *Louisiana Register*) stated that Louisiana would exercise the option to lower the age requirement for dependent care exemptions to one year. The average number of participants to be assisted were estimated as follows: 11,310 participants each month during FY 90/91, 14,533 during FY 91/92 and 17,757 with statewide implementation in FY 92/93.
This rule change increasing the age requirements to three years will not affect those projections of participant totals. The federal allocation for Louisiana combined with state appropriations allows sufficient funding to serve an estimated total of 11,310 participants. This proposed rule will decrease the number of mandatory JOBS participants from approximately 24,500 to approximately 16,500 in the ten-parish area. Therefore, federal funding combined with state appropriations will be insufficient to serve all mandatory participants. However, sufficient funds are available to meet federally mandated participation rates for the first year of implementation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no impact projected on competition or employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Utility and Permit Section**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt procedures for right-of-way acquisition for utilities, all in accordance with provisions of R.S. 48:217.

**Title 70
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
Part XIII. Public Works**

**Chapter 19. Right-of-Way Acquisition for Utilities
§1901. Acquisition for Utilities**

A. The Department of Transportation and Development may purchase additional right-of-way as provided for under R.S. 48:217, in the following circumstances:

1. When the land available for right-of-way acquisition is limited in such a way that it will be impossible for a utility company to acquire enough to install its facilities, the design of the Department of Transportation and Development's construction project should include a plan for placing each utility's facility in the DOTD's right-of-way.

a. This situation occurs when the highway right-of-way is adjacent to bodies of water, railroad right-of-way, and other similar constraints. It also occurs when the Department of Transportation and Development purchases right-of-way to within less than 15 feet from a building.

b. It shall be the joint responsibilities of the utility companies, and the Department of Transportation and Development's design section, and utility section to determine when this situation exists.

2. When the utility fails to purchase its own right-of-way, after making a genuine effort, the Department of Transportation and Development may acquire additional right-of-way for the utilities to occupy.

a. This situation occurs when the Department of Transportation and Development expropriates large amounts of property from unwilling land owners, or when the required right-of-way lines are less than 15 feet from a building.

b. Each utility company affected is responsible for notifying the Department of Transportation and Development as soon as possible when this situation occurs.

3. Special cases where the chief engineer of the Department of Transportation and Development determines that it is to the Department of Transportation and Development's advantage to purchase additional right-of-way for use by utilities.

a. For example, the utility may not be able to acquire the right-of-way in time to fit the department's schedule. In such a case it would be to the DOTD's advantage to purchase this right-of-way.

B. Additional right-of-way will only be purchased when there is not sufficient space to locate all utility facilities within the required right-of-way for the highway. When additional right-of-way is necessary to accommodate utilities, it shall be labeled as 'required right-of-way' on the plans, and purchased as such.

C. Occupancy of said right-of-way shall be by permit or utility agreement, and shall be in accordance with all ap-

plicable statutes, standards, and policies as determined by the Department of Transportation and Development.

D. In each case the purchase of additional right-of-way shall be at the discretion of the chief engineer of the Department of Transportation and Development or those engineer(s) to whom he delegates this authority.

E. The procedure for a utility company to initiate any of the above processes is as follows:

1. The utility shall notify the appropriate district utility specialist in writing and provide a detailed drawing indicating the additional right-of-way needed.

2. The district utility specialist shall review the request with the project engineer and/or the district construction engineer. After approving it, the district utility specialist should forward it to the headquarters utility section.

3. The headquarters utility section will review it and submit it to the design coordinator in the road design section.

4. The road design section shall handle it as they would any other change in the right-of-way.

All interested persons so desiring shall submit oral or written, data, views, comments or arguments no later than 30 days from the date of publication of the notice of intent to: Mr. John Collins, Engineer Supervisor, Utilities and Permits Section, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Joseph L. Wax
Deputy Undersecretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Right-of-Way Acquisition for Utilities

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no real costs or savings as a result of these rules, since the DOTD would normally be responsible for reimbursing the utility for their expense of the additional right-of-way. The only change is that state personnel will purchase the right-of-way rather than paying the companies to purchase it. This may result in a small savings since DOTD usually gets property cheaper than utilities. This will save time.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It will help avoid delays to letting highway projects, allowing them to be completed sooner. Therefore, the public will benefit sooner from the construction project. Utility companies will benefit because DOTD will either allow use of state right-of-way for utility placement, or purchase right-of-way for the company. This will occur only in those situations defined in the proposal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joseph L. Wax
Deputy Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Groups Benefits Program intends to amend Article 1, Section I (E) in the Plan Document of Benefits to include coverage for post doctoral fellows, as follows:

E. The term *employee* as used herein shall mean a full-time employee of a participant employer, who normally works 30 hours or more a week; provided, however, that an employee whose full-time occupation normally requires less than 30 hours per week shall also be considered a full-time employee. In no event shall any person appointed on a temporary basis, as defined by Article 1, Section I (F), be considered an employee.

The term *employee* shall also include:

1. medical residents, known as house officers, employed by Louisiana-owned medical facilities. The enrollment and continued participation of these medical residents will be governed by an inter-agency agreement between the program and the appropriate state agency;

2. post doctoral fellows who normally work 30 hours or more per week by training beyond their doctorate degree with an accredited institution of higher education.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on November 9, 1990, at the following address: Mr. Tommy D. Teague, Acting Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague
Acting Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Post Doctoral Fellows

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Currently, there are approximately 100 Post Doctoral Fellows, from the L.S.U. Medical School, but the number who will join the State Employees Group Benefits Program cannot be estimated. The average annual premium for group health and accident insurance is \$2,514; the employer portion would be \$1,257 ($\$2,514 \times 50\%$). The Medical School would incur an increase in related benefits of \$1,257 for each Post Doctoral Fellow who joins this program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The State Employees Group Benefits Program would receive approximately \$2,514 in increased annual group health and accident insurance premiums for each Post Doctoral Fellow who joins this program. The number of enrollees cannot be determined.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The directly affected persons, the Post Doctoral Fellows, who join the State Employees Group Benefits Program, will each incur approximately \$1,257 in annual insurance premiums and will each receive approximately \$2,233 annually in insurance benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be impacted by this rule change.

Tommy D. Teague
Acting Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Birds and Wild Quadrupeds

Chapter 1. Wild Quadrupeds

§109. Regulation for Signs and Sign Placement for DMAP Cooperators

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish rules governing sign regulations and placement on Deer Management Assistance Program cooperators. Said notice is in response to Act 499 of the 1990 Legislative Session and compliance is optional for cooperators in this voluntary department program. This rule can be viewed in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

Public hearings concerning the proposed rule will be held at regularly scheduled commission meetings in October and November. Additionally, interested parties may submit written comments relative to the proposed rule until 4:30 p.m., November 30, 1990 to Clyde Vienne, Deer Management Assistance Program Coordinator, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:111.1

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries and Wildlife and Fisheries Commission LR 16:

Warren Pol
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Act 499 R.S.56:111.1**

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

There will be no implementation costs or savings to state or local government.

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

There will be no effect on revenue collections of state and local government units.

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

DMAP clubs are the only non-government group affected by this rule. Because of irregular boundaries an estimate of total cost is impractical but the cost per mile of boundary is estimated to be \$25. Compliance with this rule is optional.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no way to determine if this rule will have an effect on competition and employment.

Bettie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§147. Daily Take and Possession Limits For Freshwater Trout

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to establish a daily take and possession limit of 5 fish for freshwater trout, *Salvelinus spp.* and *Salmo spp.*, taken in water designated as being part of the department's Freshwater Trout Program.

Interested persons may submit comments on the proposed rule to the following address before October 19, 1990: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, 56:326.3, and Act No. 376 of 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Freshwater Trout Creel Limits**

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

There are no expected implementation costs or savings anticipated to state or local government units.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have little or no anticipated effect upon revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no anticipated short term costs or benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule should have little or no effect upon competition and employment.

Bettsie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

| | |
|-------|-------|
| 27441 | 46915 |
| 28965 | 46883 |
| 28550 | 46867 |
| 27297 | 46945 |
| 28573 | 46854 |
| 28983 | 46887 |
| 28088 | 46829 |
| 28564 | 46861 |
| 28486 | 46849 |
| 28486 | 46849 |
| 28320 | 46828 |
| 28178 | 46826 |
| 28566 | 46851 |
| 28568 | 46862 |
| 28200 | 46867 |

Anyone may obtain a list of claimants, and amounts paid, by submitting a request to Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez
Secretary

Potpourri

POTPOURRI

Department of Natural Resources
Office of the Secretary

Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that sixty-four claims in the amount of \$150,630 were received in the month of August 1990, twenty-five claims in the amount of \$61,945.94 were paid, and three claims were denied.

Loran C. coordinates of reported underwater obstructions are:

| | |
|-------|-------|
| 29063 | 46903 |
| 28143 | 46854 |
| 28544 | 46856 |
| 28658 | 46899 |
| 27883 | 46864 |
| 29035 | 46954 |
| 29021 | 46952 |
| 28583 | 46856 |
| 28307 | 46827 |
| 28561 | 46864 |
| 28543 | 46854 |
| 28264 | 46825 |
| 28441 | 46831 |
| 27328 | 46830 |
| 27090 | 46948 |
| 28041 | 46832 |
| 29061 | 46939 |
| 27517 | 46924 |
| 28257 | 46827 |
| 28668 | 46990 |

CUMULATIVE INDEX
(Volume 16, Number 9)

| 1990 | |
|----------|-----------|
| Pages | Issue |
| 3— 73 | January |
| 81— 181 | February |
| 185— 274 | March |
| 284— 361 | April |
| 369— 468 | May |
| 477— 567 | June |
| 575— 655 | July |
| 667— 735 | August |
| 747— 809 | September |

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides
 - Application restrictions, 480ER
- Annual quarantine, 358P
- Apiary Program, 359P
- Crop pests, diseases
 - Sweetpotato weevil quarantine, 422N, 600R
- Plant diseases, 139N, 294R
- Horticulture Commission
 - Landscape Architecture exam, 180P
 - Retail floristry exam, 180P, 468P, 731P
- Seed Division
 - Certification fee, 629N
 - Labeling, 239N, 492R

Forestry, Office of

- Indian Creek Rec. Area, 777N
- Meeting, 731P
- Stumpage values, 16R

Livestock Sanitary Board

- Auction market records, 630N
- Contagious diseases, 391R
- Definitions, 323N, 391R
- Livestock admittance, 391R, 630N
- Livestock auction market, 391R, 631N
- Livestock dealer, 632N
- Livestock sale/purchase, 632N
- Sale of cattle by dealer, 632N
- Swine backtag, 391R
- Swine entering state, 391R
- Swine Pseudorabies testing, 391R

Marketing, Office of

- Market Commission
 - Contractor's obligations, 240N, 393R

CIVIL SERVICE

Civil Service Commission

- Amends rules, 778N
- Merit increases, 240N
- Preferred reemployment list, 40N
- Preferred reemployment list-pay, 84ER

CULTURE, RECREATION AND TOURISM

**Cultural Development, Office of
Arts Division**

- Grant Program application, 699N
- State Museum, Office of**
 - Building rental, 295R
- State Parks, Office of**
 - Fees, 779N

ECONOMIC DEVELOPMENT

Architectural Examiners, Board of

- Candidate answers, 540N
- Examination review, 540N
- Gross floor area, 41N, 393R, 493R
- Licensing law, 540N
- Reversing grades, 540N

**Certified Shorthand Reporters,
Board of Examiners of**

- Certification, 241N, 393R
- Examinations, 241N, 393R

Commerce and Industry, Office of

- Income tax credits, 372ER
- LA Capital Companies Tax Credit Program, 633N, 762R
- LA Industrial Training, 372ER, 634N, 762R

Cosmetology, Board of

- Cosmetologists, 141N

Economic Development Corporation

- Small Business Linked Deposit Loan, 187ER

Financial Institutions, Office of

- Director's exam requirements, 17R
- Judicial interest rate, 72P
- Licensing law exemptions, 541N
- Limited function, 42N, 200R
- Private offering exemptions, 542N, 677R

Licensing Board for Contractors

- Classifications, 325N, 601R
- Contractor record keeping, 325N, 601R
- Examination exemption, 326N, 601R
- Initial applicants, 326N, 327N, 601R
- License requirements, 327N, 601R
- Reciprocity, 327N, 601R

Racing Commission

- Access by commissioners, 373ER, 424N, 763R
- Arabian horse racing, 112R
- Blood/urine sample, 243N, 603R
- Deposit for expenses, 373ER, 424N, 763R
- Disqualified horse, 748ER
- Fax transmission, 748ER
- First aid room, 373ER, 425N, 763R
- Glossary of Terms, 752ER
- Horse drugged, 373ER, 425N, 764R
- Jockey fee schedule, 112R
- License required for activities, 374ER, 426N, 764R
- Licenses; advertising, 202R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Masking agents, 242N, 374ER, 427N, 764R
Mixed races; distance, 203R
Monetary interests, 374ER, 427N, 764R
Pari-Mutuel machines, 748ER
Pari-Mutuel tickets, 749ER
Permitted medications, 375ER, 428N, 765R
Possession of drugs, syringes, needles, 375ER, 428N, 765R
Race date, 749ER
Registration of horse, 749ER
Rider named on two horses, 749ER
Simulcast audio transmission, 750ER
Simulcast video transmission, 750ER
Stable name, 375ER, 429N, 765R
Subpoenas/hearing notice, 750ER
Testing for alcohol abuse, 751ER
Testing for dangerous substance abuse, 85ER, 142N, 394R, 575ER, 701N, 751ER
Tote Forms, 752ER
Violations, 375ER, 428N, 765R

Real Estate Appraisal Subcommittee

Education Certification, 783N
Residential Certification, 323N, 493R

Real Estate Commission

Advertising, 42N
Licensees, 42N
Licensees' names, 4ER
Renewal requirements, 542N, 680R
Trade names, 4ER

Used Motor Vehicle and Parts Commission

Motor vehicle trade shows, 113R

EDUCATION

Council for Development of French in LA

Bilingual writing, 246N

Elementary and Secondary Education, Board of

8(g) Annual Program, budget, 243N, 495R
8(g) Policy Manual, 43N, 203R, 296R
Administrative Leadership Academy, 481ER, 635N
Agriculture I, II, 429N, 680R
Alternate Post-Baccalaureate Certification, 430N, 680R
Annual Special Education Program, 635N
Bulletin 741
Algebra/Geometry integrated, 244N, 496R
Algebra, Introduction to, 204R
Chronological age waivers, 143N, 396R
Computer literacy, 143N, 396R
Electives required to graduate, 203R
Flexible class schedules, 432N, 680R
Hazardous waste policy, 204R
High school equivalency diplomas, 668ER, 783N
Librarian employment scale, 668ER, 784N
Nonpublic school standards, 547N, 577ER, 765R
Pupil/Teacher ratio, 86ER, 246N, 496R
School Administrators' Handbook, 576ER, 702N
Summer school, nonpublic, 485ER, 542N, 636N
Summer school, public, 485ER, 636N
Bulletin 746
Health, physical education, 432N, 681R
Reading certification, 433N, 681R
School psychological services, 433N, 681R
Vo-tech personnel, 543N, 766R

Bulletin 1134
Library Media, 578ER, 704N
Bulletin 1213
School bus standards, 578ER, 705N, 784N
Bulletin 1566
Pupil progression, 375ER, 544N, 766R
Bulletin 1599
American History Curriculum, 204R
Bulletin 1706
Noncategorical preschool handicapped, 245N, 496R
Special Education Advisory Council, 86ER, 245N, 381ER
Bulletin 1794
Textbook adoption, 578ER, 705N, 706N
Bulletin 1822
Post-secondary curriculum outlines, 329N, 604R, 706N
Bulletin 1868
BESE personnel manual, 578ER, 707N
Certification fee, 4ER, 44N, 297R
Children First Legislation, 485ER, 637N
Circular 665, employees, 486ER, 637N
Drug free schools, 544N, 766R
Drug testing, 669ER, 785N
Education Majors, 545N, 767R
Expenditure of funds, 142N, 395R
Food Service Program
Financial management, accounting handbook, 486ER, 638N
High school diplomas, 189ER, 330N, 605R
Honors Curriculum, 114R
Kindergarten Developmental Screening, Cycle II, 284ER, 434N, 682R
Kindergarten Developmental Screening, review, 284ER, 435N, 682R
Kindergarten Developmental Screening, transition year, 284ER, 435N, 682R
LEAP composition test, 189ER, 330N, 605R
Louisiana Administrative Code, 144N, 297R
LTIP/LaTEP, 579ER, 708N
Migrant Ed State Plan, 486ER, 637N
Noncertified school personnel, 670ER, 785N
Nonpublic School Standards, 285ER, 328N
Nonpublic school waiver request, 436N, 786N
Nonpublic summer school, 381ER, 485ER, 767R
Nutrition/Training Program, 23R
Policy deletion, 204R
Post-Baccalaureate Scholarship, 114R, 548N, 767R
Principal certification, 114R
Psychological Services Providers, 203R
School management software, 579ER, 709N
Special Ed Program, 486ER
Student count certification, 144N, 397R
STAR, 579ER, 709N
Teacher certification, hearing, visually impaired, 434N, 680R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Teacher tuition exemption, 579ER, 638N
Temporary teaching assignments, 486ER, 639N, 752ER
VTIE tuition exemption, 550N, 768R
Vocational education program plan, 549N, 767R
Vo-tech

Funds, 331N, 605R
Regional Advisory Council, 115R
Salary schedule, 670ER, 671ER, 786N
Tuition, 551N, 672ER, 768R, 787N
Unclassified personnel salary, 116R
Waivers of minimum standards, 116R

Proprietary School Commission

Branch school, 334N, 603R
Bulletin 1443, 334N, 551N, 603R, 768R
Licensure renewal, 333N, 603R

ELECTIONS AND REGISTRATION DEPARTMENT

Voter registration, 439N, 606R

EMPLOYMENT AND TRAINING

Employment Security, Office of

Types of employment, 5ER, 247N, 609R
Unemployment claims, 44N
Work registration, 44N, 608R
Workers' Comp. benefits, 732P

Labor, Office of

Community Services Block Grant, 45N, 204R, 787N
Minor labor, 381ER

Plumbing Board

Enforcement fee, 23R
Licenses, 23R

Workers' Compensation, Office of

Drug testing, 86ER, 442N
Hearing officers, 46N, 297R
Medical fee schedule, 91ER, 189ER, 552N, 710N
788N

ENVIRONMENTAL QUALITY

Air Quality and Radiation Protection, Office of

Air Quality Division

Asbestos in buildings, 145N, 397R, 789N
Bulk gasoline, 46N, 443N, 609R
Deterioration prevention, 443N, 612R
General Provisions, 23R
Organic compound emission, 23R, 116R
Organic solvents, 119R
Public hearing, 732P
Toxic air pollutant list, 73P, 274P
Volatile organic compounds, 444N

Legal Affairs and Enforcement, Office of

Regulatory Agenda, 360P

Secretary, Office of

Revolving Loan Fund, 654P

Solid and Hazardous Waste, Office of

Hazardous Waste Division

Geotechnical Amendment I, 552N, 682R, 791N
HSWA Cluster I, 48N, 220R
HSWA Cluster I-A, 248N, 398R
HW22, 790N
Land disposal of waste, 220R
Land disposal prohibitions, 48N, 221R

Non-HSWA Cluster IV, 249N, 399R
Non-HSWA Cluster V, 444N, 614R
Rule amendments, 47N, 217R
Underground storage tanks, 445N, 614R
Waste Codes relisting, 250N, 399R

Water Resources, Office of

Monitoring well construction, 567P

EXECUTIVE ORDERS

BR 89-38—Prohibits outdoor advertising signs on I-49 temporarily, 3
BR 89-39—Expands membership on Governor's Task Force on Shrimp Management, 3
BR 89-40—Grants private activity bond allocations, 3
BR 90-01—Amends BR 89-35 that established the Calcasieu Estuary Environmental Task Force, 83
BR 90-02—Wooddale Towers office building purchase/renovation project, 83
BR 90-03—Creates a Transportation Infrastructure Evaluation Committee, 83
BR 90-04—Amends BR 90-03 expanding membership of Transportation Infrastructure Evaluation Committee, 187
BR 90-05—Authorizes inmate labor to renovate fire alarm system at Angola, 284
BR 90-06—Creates Governor's Interagency Task Force on Flood Prevention and Mitigation, 479
BR 90-07—Creates an Aviation Advisory Committee, 480
BR 90-08—Establishes Governor's Advisory Commission on Military Affairs, 575
BR 90-09—Creates Governor's Oil Spill Prevention and Contingency Task Force, 667
BR 90-10—Outdoor advertising signs, 668
BR 90-11—Establishes the Louisiana Criminal Justice Information Systems Policy Board, 747
BR 90-12—Use of inmate labor at the Louisiana Correctional Industrial School, DeQuincy, Louisiana, 747

FIREFIGHTERS' PENSION AND RELIEF FUND

City of New Orleans

Board of Trustees

Adjudication, 335N, 497R, 685R
Application, 335N, 497R, 685R
Definitions, 335N, 497R, 685R
Domestic relations orders, 335N, 501R
Organization, 335N, 497R, 685R

GOVERNOR'S OFFICE

Division of Administration

Commissioner's Office
Incentive award, 29R
PPM No. 49
Travel regulations, 582ER, 710N

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Community Development Section
LCDBG Final Statement, 121R, 221R
Federal Property Assistance
Plan of operation, 556N, 690R
Risk Management, Office of
Law Enforcement Officers and Firemen's
Survivor Board, 251N, 400R
Structured settlement, 447N, 614R
Workers' Comp. fee schedule, 253N, 401R
Workers' Comp., maritime claims, 252N, 401R
Uniform Payroll, Office of
Payroll deductions, 146N, 180P, 402R

Elderly Affairs, Office of

Nutrition Services, 337N, 505R
Service procurement, 190ER, 336N, 503R

Special Commission on Education Services

Institutional participation, 49N, 301R
LPM's, 254N
Policy and Procedure Manual, 5ER, 49N, 254N, 301R
Reconciliation and pro rata refund, 446N, 615R
Scholarship application/eligibility, 50N, 301R
SLS, interest payments, 254N, 503R

Wetland Conservation, Restoration Task Force

Plan (FY 90-91), 382ER, 448N, 615R

Women's Services, Office of

Marriage license fees, 151N, 302R

HEALTH AND HOSPITALS

Dentistry, Board of

Dental assistant duties, 255N, 505R
Examination fee, 273PFA, 566FA
Infectious waste, 256N, 506R
License, 273PFA, 566FA
Nurse duties, 257N, 507R
Permit, 273PFA, 566FA

Embalmers and Funeral Directors, Board of

Embalming, 556N, 769R
Examination, 180P, 655P

Human Services, Office of

Jefferson Parish Mental Health, Substance Abuse, 53N,
234R
Mental retardation regions, 31R

Medical Examiners, Board of

Adjudication, 258N, 507R
Athletic trainer education, 262N, 510R
Physician/Surgeon license, 264N, 513R

Nursing, Board of

Clinical facilities, 133R
Education Program, 449N, 690R
License lapsed, 642N
License reinstatement, 641N
Preceptor, 792N
Preceptorship experience, 793N
Preceptorship Learning, 793N, 794N
Relicensure, 643N

**Nursing Home Administrators, Board of
Examiners for**

Certificates, 557N
Definitions, 258N, 409R
Licenses, 557N

Practical Nurse Examiners, Board of

Faculty/staff, 133R

Professional Counselors, Board of Examiners of

Definitions, 151N, 302R

Psychologists, Board of Examiners of

Continuing Education, 640N, 769R

Public Health, Office of

AIDS drug, 557N, 692R
AZT eligibility category, 386ER
Family Planning Program
Fee adjustment, 338N, 525R
Mechanical wastewater treatment plants, 156N, 302R
Private water well, 716N
Sanitary Code
Chapter IX, definitions, 265N, 410R
Chapter IX, food, drug, cosmetic, 265N, 414R
Infectious waste, 55N, 303R
Seafood, 717N
Vital Records
Death certificate, 152N, 307R
Pregnancy, induced termination, 56N, 236R
WIC Program, 655P

Secretary, Office of

Adult day care licensing, 797N
Block Grants, 643N, 771R
MAP
AFDC, transition period, 343N, 532R
Ambulance transport, 558N, 692R
Burial space interest, 285ER, 360P
Buy-in for disabled, 339N, 526R
Civil fines, 5ER, 10ER, 156N, 158N, 310R, 315R
Class B day care, 340N, 526R
Closed restricted drug formulary/pharmacy
program coverage, 91ER, 157N, 310R
Computer matching, 191ER, 340N, 531R
FQHC, 673ER, 795N
Facility need review, 341N, 567P, 620R
Facility reimbursement based on Medicare, 94ER
Health Centers, 286ER
Home/Community based services waiver, 191ER
Hospital Plans Review, 718N
Inpatient operating cost, 735P
LTC facilities, reimbursement, 160N
MR/DD waiver, 451N, 488ER, 587ER, 621R, 645N
Medicare Catastrophic Coverage, 58N, 237R
Mental Retardation/Developmental Disabilities
case management, 93ER, 312R
Nurse practitioners, 342N, 531R
Nursing facility management, 13ER
Nursing home reform, 798N
Obstetrical, pediatric payment, 286ER
Pharmacy Program, 672ER, 722N
Pharmacy reimbursement; dispensing fee, 194ER
Poverty children, age 6, 285ER, 451N, 620R
Poverty pregnant women/infants, 285ER, 461N, 621R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Pregnant women, income reporting, 92ER, 160N, 316R
Pregnant women, risk assessment, 673ER
Prenatal care, 57N, 92ER, 237R
Prescription drug reimbursement, 59N, 313R, 693R
Purchasing approval, 31R
Rate adjustments, 360P
Resident trust fund, 12ER, 161N, 317R
Resources transfer, 63N, 95ER, 238R
Sanction authorization, 274P
Spousal impoverishment, 62N, 95ER, 238R
SSI disability standards, 674ER
Temporary management, 162N, 317R
Transitional Medicaid for those losing AFDC, 196ER
Transportation reimbursement, 342N, 532R
Traumatic brain injury, 96ER
Medicaid Program
AIDS test, 165N, 318R
Anesthesiology services, 753ER
Breathing equipment, 344N, 532R
EPSDT
Health education, 587ER, 719N
Limitations, 387ER, 723N
Maintenance services, 752ER
Medical equipment, 386ER, 721N, 755ER
Service limits, 754ER
Therapy maintenance, 387ER, 720N
Vision/hearing screening, 388ER, 724N, 756ER
ICF I, ICF II, SNF name change, 732P
ICF/MR certification, 165N, 320R
ICF/MR rates, 734P
Income-producing property, 388ER, 462N, 621R
Infants, high-risk, 288ER, 458N
MR/DD waivers, 488ER, 587ER, 621R, 645N, 771R
Non-IV-E (state subsidy) children, 319R
Pharmacy dispensing fee, 755ER
Pregnant women, at-risk, 286ER, 454N
Pregnant women, high-risk, 290ER, 456N
Prenatal Service, 291ER, 462N
Prescription dispensing fee, 292ER
SNF/TDC Program, 756ER
Third party liability claims, 487ER

Speech Pathology, Board of Examiners for

Aides, assistants, helpers, 409R

Veterinary Medicine, Board of

Animal euthanasia technician, 52N
Rule adoption, 50N, 222R
Supervision, 52N

INSURANCE

Commissioner of Insurance

Continuing education, 646N
Interlocal risk management, 345N, 621R
Medicare Insurance Program, 96ER
Workplace safety, 646N

JUSTICE

Attorney General, Office of

Electronic video bingo, 166N, 197ER

LOUISIANA ADMINISTRATIVE CODE UPDATE

Administrative Code Update

January, 1989 - December, 1989, 70
January, 1990 - March 1990, 357
April, 1990 - July, 1990, 730

NATURAL RESOURCES

Coastal Restoration and Management, Office of

Coastal use permits, 348N, 625R

Conservation, Office of

Drug testing, 134R, 532R
Hazardous liquids pipeline, 800N
Statewide Order 29-B, 464N

Mineral Resources, Office of

Fees, 801N

Secretary, Office of

Bohemia Spillway, 266N, 414R
Fishermen's Gear
Adjudication, 267N, 416R
Claims, 74P, 180P, 274P, 360P, 468P, 567P, 655P, 735P, 808P
Fee notice, 167N, 320R
Hearing examiner, 267N, 416R
Small claims, 267N, 416R

PUBLIC SAFETY AND CORRECTIONS

Corrections Services

Adult offender telephone use, 268N, 536R
Air traffic, 559N, 693R
Funeral attendance, 560N, 693R
Nepotism, 269N, 537R

Fire Marshal, Office of

Building permits, 320R
Electrical power connection, 349N
Meeting schedule, 361P
Plans, specifications, 320R
Remanufactured housing, 31R, 388ER

Liquefied Petroleum Gas Commission

Amendments, 803N
Cylinder Inspection, 694R

Pardons, Board of

Applications, 802N

Private Security Examiners, Board of

Repromulgates rule, 179CR

State Police, Office of

Right-to-Know, 725N

REVENUE AND TAXATION

Tax Commission

Appraisal level, 361P
Commercial improvements, 361P
Real/Personal property 804N
Stumpage values, 16R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

RIVER PORT PILOT COMMISSIONERS

Port of New Orleans

Apprenticeship, 198ER, 270N, 416R
Drug and alcohol, 198ER, 270N, 416R

SOCIAL SERVICES

Community Services, Office of

Emergency Shelter Grant, 181P, 270N, 538R
LIHEAP, 465N, 626R
LIHEAP, HEA, 350N, 538R
SSBG funds, 350N, 772R
Weatherization Assistance Program, 167N, 320R

Eligibility Determinations, Office of

AFDC Program, Transitional child care, 64N, 238R
Child Support Enforcement Services
Immediate income assignment, 33R
Job Opportunities, Basic Skills Training, 466N, 626R
Mandatory award guidelines, 34R
Confidentiality, 168N, 321R
Food Stamp Program
Allotment benefits, 15ER
Computer matching-due process, 169N, 321R
Initial month's benefits, 169N, 321R

Family Support, Office of

AFDC
Unemployed parent, 647N, 772P
JOBS, 466N, 626R, 804N

Secretary, Office of

Child day care, 757ER
State Use Law, 727N
Three-year State Plan, 728N

STATE

Uniform Commercial Code

Secured transactions, 170N

TRANSPORTATION AND DEVELOPMENT

Aviation Division

Airport construction, 352N, 538R

Flood Control and Water Management Division

Port Construction and Development Priority
489ER, 564N, 695R

Professional Engineers and Land Surveyors, Board of Registration for

Certification, registration, 561N, 772R
Corporations, Firms, 561N, 772R
Definitions, 561N, 772R
Examinations, 561N, 772R
Professional conduct, 561N, 772R
Property boundary, 648N
Seal rules, 561N, 772R

Secretary, Office of

Gasohol/ethanol, 759ER

Utility and Permit Section

Right-of-way, 805N

TREASURY

Bond Commission

Line of Credit, 15ER, 293ER, 760ER

Louisiana Housing Finance Agency

Emergency low-income housing tax, 389ER, 653N

State Employees Group Benefits Program, Board of Trustees of the

Addisonian Pernicious Anemia, 177N, 418R
Ambulance services, 271N, 418R
Claims, deadline for filing, 65N, 419R
COBRA, 178N, 352N, 420R, 627R
Contributions, 177N, 419R
Emergency room deductible, 565N, 776R
HMO - Pre-existing conditions, 65N, 419R
LSU-PPO, 272N, 419R
Medical fee schedule, 66N, 137R, 421R
Plan document, 353N, 627R
Post doctoral fellows, 806N
Preferred provider organization, 67N, 421R
Utilization review, 177N, 419R, 565N, 776R

Teachers' Retirement System

Salary reports, 176N

Treasurer, Office of

Time certificates of deposit, 137R

WILDLIFE AND FISHERIES

Fisheries, Office of

Pompano and Black Drum, 67N, 322R

Wildlife and Fisheries Commission

Alligator season, 36R, 590ER, 728N
Black Bass, 38R
Black Drum, 15ER, 72CR, 112ER, 467N, 599ER, 698R
Commercial landings, 38R
Deer Management Program, 761ER, 807N
Ducks, Coots, Geese hunting season, 675ER
Fish and wildlife values, 38R
Free fishing days, 354N, 538R
Freshwater Trout, 807N
Furbearer trapping season, 40R, 729N
Hunting seasons, 355N, 539R
New Orleans area, 761ER
Jewfish, 599ER, 730N
King Mackerel, 492ER
Migratory game birds, 676ER
Oyster season, 676ER
Oyster seed ground, 653N, 776R
Saltwater sport/commercial fishing, 356N, 539R
Sanctuaries, Calcasieu, Sabine Lakes, 16ER, 68N, 421R
Shrimp season, 356N, 540R
Chandeleur Sound, 390ER
Spring inshore, 200ER, 390ER
White shrimp, 599ER
Zone II, 69N
Zone III, 16ER, 69N
Spotted Seatrout, 390ER
Sturgeon, 179N, 421R

Secretary, Office of

Shell dredging, 361P

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

D

D

D

