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Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State
Accountability System—General Provisions
(LAC28:XI.103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC28:XI. *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions codify the Accountability Council and provide for the membership structure and operating procedures of the council. This Declaration of Emergency, effective April 13, 2022, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28 EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 1. General Provisions

§103. Accountability Council (formerly Accountability Commission)

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Accountability Advisory Council (Formerly the Accountability Commission) establishes:

1. authority-per BESE policy;
2. referrals and responsibilities:
 - a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;
 - b. consider all matters referred by the board or the LDE; and
 - c. function as follows:
 - i. serve as the state committee of practitioners to conform to requirements in Title I of the Elementary and

Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final state rule or regulation pursuant to Title 1;

- ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and

- iii. advise the LDE on policy development of the state, district, and school accountability system.

d. The majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows.

- i. BESE appointments:
 - (a). educator, nominated by BESE president;
 - (b). BESE member, nominated by BESE President;
 - (c). LEA administrator, appointed by BESE from list provided by state superintendent of education;
 - (d). nonpublic school representative, nominated by BESE president;
 - (e). local educational agency representative, appointed by BESE from list provided by state superintendent of education;
 - (f). parent, nominated by BESE president;
 - (g). postsecondary education representative, appointed by BESE from list provided by state superintendent of education;
 - (h). school board member, nominated by BESE president;
 - (i). community representative, nominated by BESE president;
 - (j). community representative, nominated by BESE president;
- ii. state superintendent of education appointments:

- (a). educator;
- (b). LEA Administrator;
- (c). charter school representative;
- (d). district superintendent;
- (e). pupil appraisal representative;
- (f). principal representative;

- iii. association nominations
 - (a). Associated Professional Educators of Louisiana representative, nominated by association leadership.

- (b). Louisiana Association of Educators representative, nominated by association leadership.

- (c). Louisiana Federation of Teachers representative, nominated by association leadership.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and

ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may serve as an interim member until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term.

3. Expenses. Members shall be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, if the appointing authority does not object, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present. Proxies cannot be included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the executive director one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in

or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

i. name of council member and council on which serving;

ii. date of the meeting; and

iii. board policy on attendance.

E. Chair

1. The AAC shall have one Chairperson appointed by the state superintendent of education and ratified by the board.

2. The appointed Chair shall preside at all meetings of the ACC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director, LDE, or a designee of either.

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the board staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation. Meeting cancellation shall be posted on the BESE website.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory

council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

James Garvey
President

2205#001

DECLARATION OF EMERGENCY

Office of the Governor Real Estate Appraisers Board

Compensation of Fee Appraisers (LAC 46:LXVII.31101)

The Louisiana Real Estate Appraisers Board (“Board”) gives this notice in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., including but not limited to R.S. 49:953.1, and as authorized by the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq.

On April 1, 2022, the Federal Trade Commission (“FTC”) issued a final decision and order, requiring, in part, that the board revise LAC 46:LXVII.31101, relative to the compensation of fee appraisers, by rescinding Subsections (A) through (C) of the Section on or before May 1, 2022. Accordingly, the board has determined it necessary to rescind the current Subsections (A) through (C) of LAC 46:LXVII.31101, effective April 21, 2022, to avoid additional penalties or other sanctions.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 3. Appraisal Management Companies

Chapter 311. Compensation of Fee Appraisers

§31101. General Provisions; Timely Payment

A. Except in the case of breach of contract or substandard performance of real estate appraisal activity, an appraisal management company shall make payment to an independent contractor appraiser for the completion of an appraisal or appraisal review assignment within 30 days after the appraiser provides the completed appraisal report to the appraisal management company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:3073 (November 2013), amended LR 42:872 (June 2016), repromulgated LR 43:2161 (November 2017), LR 48:

Bruce Unangst
Executive Director

2205#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2022 Spring Inshore Shrimp Season Opening

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

In accordance with the emergency provisions of R.S. 49:953.1 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2022 Spring Inshore Shrimp Season in Louisiana state waters to open as follows:

That portion of state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River to open at 6:00 a.m., May 16, 2022 except for the area known as the Biloxi Marsh, as described below, which will open at 6:00 a.m., May 23, 2022:

From a point at the intersection of the eastern shore of the MRGO and the Shell Beach Cut at 29 degrees 51 minutes 29.40 seconds north latitude, 89 degrees 40 minutes 37.99 seconds west longitude; thence northerly to a point where Shell Beach Cut and the south shore of Lake Borgne intersect (29 degrees 52 minutes 00.35 seconds north latitude, 89 degrees 40 minutes 25.33 seconds west longitude); thence easterly and northerly following the southern shore of Lake Borgne and the western shore of the Biloxi Marsh to Pointe Aux Marchettes (29 degrees 59 minutes 26.87 seconds north latitude, 89 degrees 34 minutes 44.91 seconds west longitude); thence northeasterly to Malheureux Point (30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude); thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is

a point on the double-rig line as described in R.S. 56:495.1(A)2; thence southerly following the double rig line to where it intersects with the MRGO (29 degrees 40 minutes 40.11 seconds north latitude, 89 degrees 23 minutes 07.71 seconds west longitude); thence northwesterly along the eastern shore of the MRGO to the point of origin.

That portion of state inside waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of the Freshwater Bayou Canal to open at 6:00 a.m., May 9, 2022.

That portion of state inside waters from the western shore of the Freshwater Bayou Canal westward to the Louisiana/Texas state line to open at 6:00 a.m., May 23, 2022 except for the area known as the Mermentau River, as described below, which will open at 6:00 a.m., May 28, 2022:

From a point on the shrimp inside/outside line and the western shore of the Mermentau River at 29 degrees 43 minutes 46.14 seconds north latitude, 93 degrees 00 minutes 40.50 seconds west longitude; thence northerly following the western shore of the Mermentau River to its intersection with Catfish Locks 29 degrees 52 minutes 47.31 seconds north latitude, 92 degrees 50 minutes 57.25 seconds west longitude; thence southeasterly following Catfish Locks to its intersection with the eastern shore of the Mermentau River (29 degrees 51 minutes 44.20 seconds north latitude, 92 degrees 50 minutes 52.98 seconds west longitude); thence southerly following the eastern shore of the Mermentau River to the point where it intersects the shrimp inside/outside line (29 degrees 43 minutes 46.33 seconds north latitude, 93 degrees 00 minutes 31.71 seconds west longitude); thence westerly along the shrimp inside/outside line to the point of origin.

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

Joe McPherson
Chairman

2205#006

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Opening of Shrimp Season in Remaining State Outside Waters

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

In accordance with the emergency provisions of R.S. 49:953.1, the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a declaration of emergency adopted by the Wildlife and Fisheries Commission on August 5, 2021 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary hereby declares:

The portion of state outside waters between Mound Point on Marsh Island and Freshwater Bayou Canal shall reopen to shrimping at 6:00 a.m. on April 25, 2022. The eastern boundary line originates on the inside/outside line at the southernmost point of Mound Point on Marsh Island at 29 degrees 28 minutes 28.30 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 22 minutes 01.67 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude. The western boundary line originates on the western shore of Freshwater Bayou Canal at 29 degrees 32 minutes 03.00 seconds north latitude, -92 degrees 18 minutes 33.00 seconds west longitude and ends at a point on the three mile line as described in R.S. 56:495(A) at 29 degrees 29 minutes 02.00 seconds north latitude, -92 degrees 19 minutes 34.00 seconds west longitude.

Jack Montoucet
Secretary

2205#023

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.4003)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX, *Bulletin 126—Charter Schools* in response to Act 353 of the 2021 Regular Legislative Session regarding annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 40. Charter School Autonomy

§4003. Applicability of State Laws

A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

1 - 44. ...

45. participation in one hour of annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education, R.S. 17:437.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022).

Shan N. Davis
Executive Director

2205#023

RULE

Board of Elementary and Secondary Education

Bulletin 127—LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities (LAC 28:XI.9901)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI, *Bulletin 127—LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities* in accordance with

guidance issued by the United States Department of Education regarding Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015 (ESSA). This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 5. Bulletin 127—LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities

Chapter 99. English Language Learners

§9901. Alternate Connectors for English Language

Learners with Significant Cognitive Disabilities

A. Construct meaning from oral presentations and literary and informational text through grade-appropriate listening, reading, and viewing.

B. Participate in grade-appropriate oral and written exchanges of information, ideas, and analyses, responding to peer, audience, or reader comments and questions.

C. Speak and write about grade-appropriate complex literary and informational texts and topics.

D. Construct grade-appropriate oral and written claims.

E. Conduct research and evaluate and communicate findings to answer questions or solve problems.

F. Analyze and critique the arguments of others orally and in writing.

G. Adapt language choices to purpose, task, and audience when speaking and writing.

H. Determine the meaning of words and phrases in oral presentations and literary and informational text.

I. Create clear and coherent grade-appropriate speech and text.

J. Make accurate use of standard English to communicate in grade-appropriate speech and writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1269 (May 2022).

Shan N. Davis
Executive Director

2205#024

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Early Childhood Care and Development Fund Programs
(LAC 28:CLXV.509 and 515)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV, *Bulletin 139—Louisiana Early Childhood Care and Development Fund Programs*. The revisions increase the daily Child Care Assistance Program

(CCAP) reimbursement rates and increase the income eligibility for CCAP to 85 percent of the State Median Income. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

A. To be certified as a CCAP household, households that are not categorically eligible for participation in CCAP must meet the following requirements:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. meet all criteria provided in §507.A;
3. have household income that does not exceed 85 percent of the state median income for a household of the same size. *Household income* is defined as:

3.a. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46:1373 (October 2020), LR 47:573 (May 2021), LR 48:1270 (May 2022).

§515. Payments Made on Behalf of Households

A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	Regular Care for Toddlers	Regular Care for Infants	Special Needs Care Incentive	Special Needs Care Incentive for Toddlers	Special Needs Care Incentive for Infants
Type III Early Learning Center	\$31.50	\$42.00	\$68.00	\$39.69	\$52.92	\$85.68
School Child Care Center	\$24.00	\$24.00	\$24.00	\$30.24	\$30.24	\$30.24
Family Child Care Provider	\$29.00	\$42.00	\$61.00	\$36.54	\$52.92	\$76.86
In-Home Provider	\$25.00	\$25.25	\$26.65	\$31.50	\$31.82	\$33.58
Military Child Care Centers	\$31.50	\$42.00	\$68.00	\$39.69	\$52.92	\$85.68

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:1745 (December 2019), LR 47:573 (May 2021). LR 48:1270 (May 2022).

Shan N. Davis
Executive Director

2205#025

RULE

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network
(LAC 28:CLXVII.303, 313, 314, and 512)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 3. Early Childhood Care and Education Network

§303. BESE Duties and Responsibilities

A. - A.4. ...

B. To assist the Louisiana Legislature in evaluating the effectiveness of the early childhood care and education network and in determining the most efficient and effective allocation of funding and services to maximize opportunities for children aged birth through five to achieve kindergarten readiness, BESE shall:

1. coordinate and report data relative to the early childhood care and education network to assist legislators in evaluating the effectiveness of the network and in determining the most efficient allocation of funding and services to maximize opportunities for children aged birth through five to achieve kindergarten readiness; and

2. annually submit to the Louisiana legislature a written report that shall include, at a minimum, the following information:

a. the number of publicly-funded children participating in the network and demographic information pertaining to age, race, and socioeconomic status; and

b. the areas of greatest need according to geographic location and student population for the purpose of prioritizing funding and services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015), LR 48:1270 (May 2022).

§313. Academic Approval for Type III Early Learning Centers

A. - L.1.e. ...

f. failure to participate in the early childhood site improvement planning process, as required by §512 of this Part.

L.2. - M.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.36(C), and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December

2015), amended LR 42:1871 (November 2016), LR 43:2129 (November 2017), LR 44:1439 (August 2018), LR 45:1451 (October 2019), LR 48:1270 (May 2022).

§314. Academic Approval for Family Child Care Homes

A. Registered and CCAP-certified family child care homes may apply for academic approval from the LDE.

B. Family child care homes meeting the performance and academic standards of the early childhood care and education network regarding kindergarten readiness as provided in this bulletin shall receive academic approval from the LDE. Academic approval includes verification by the LDE that the family child care home meets the required performance and academic standards.

C. Initial Academic Approval for an Applicant for a Family Child Care Home

1. In order to obtain initial academic approval as a family child care home, a family child care home applying for a new academic approval must:

a. submit a signed copy of the current program partner assurances for family child care homes to the LDE, thereby agreeing to comply with the provisions of this bulletin, which include:

i. membership in the corresponding community network, as provided in Chapter 3;

ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and

iii. participation in the coordinated enrollment process, as provided in Chapter 7.

2. An applicant for a new family child care home academic approval who has held a family child care home academic approval and received a corrective action plan as provided in §313 at any time during the current or preceding fiscal year shall not be allowed to apply for academic approval for the fiscal year in which the family child care home received a corrective action plan and the following fiscal year.

D. Renewal of Academic Approval for Family Child Care Homes

1. Academic approval will be renewed annually for a family child care home that:

a. has current academic approval;

b. is in compliance with the provisions of this Part;

c. has not received two unsatisfactory performance ratings within any consecutive three school years; and

d. has submitted a signed copy of the current annual program partner assurances for family child care homes to the LDE, thereby certifying that:

i. the family child care home shall comply with the provisions of this Part, which include:

(a). membership in the corresponding community network, as provided in Chapter 3;

(b). participation in the early childhood care and education accountability system, as provided in Chapter 5; and

(c). participation in the coordinated enrollment process, as provided in Chapter 7; and

ii. the family child care provider must:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). be in the process of completing training that will lead to an early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of the date when academic approval is granted.

2. To renew academic approval, family child care homes must annually submit a signed copy of annual program partner assurances for family child care homes to the LDE prior to July 1, or as requested, whichever occurs earlier.

E. A family child care home that has academic approval terminated may not apply for academic approval for the fiscal year in which academic approval was terminated or for the following fiscal year.

F. Academic approval will be valid for the fiscal year, July 1-June 30, for which granted.

G. Academic approval is granted to a specific provider and a specific location and is not transferable. If a family child care home changes owners or location, provider is considered a new operation, and academic approval for the new owner or location must be obtained prior to beginning operations under new ownership or at the new location.

H. Upon a change of ownership or change of location, academic approval granted to the original owner or at the original location becomes null and void.

I. Renewal. Prior to July 1 of each year, the LDE shall send notice to each family child care home that has academic approval regarding:

1. renewal of academic approval for the family child care home;

2. notice of the family child care home failure to comply with specific requirements in Subsection B of this Section and specific corrective actions that must be taken by a specified date in order for academic approval to be renewed; or

3. if a family child care home receives the notice outlined in Subparagraph J.2.a of this Section within the academic year and has not provided the required certifications and completed the stated corrective actions, the LDE may terminate the family child care home academic approval as provided in Subparagraph J.2.c of this Section and send notice of termination of the family child care home academic approval.

J. Denial, Termination, or Refusal to Renew Academic Approval

1. The LDE may deny, terminate, or refuse to renew academic approval for one or more of the following:

a. violations of any provisions of this Part;

b. failure to comply in a timely manner with a corrective action plan provided by the LDE;

c. any act of fraud, such as the submission of false or altered documents or information;

d. failure to timely submit a signed copy of the annual program partner assurances;

e. two unsatisfactory performance ratings within any consecutive three school years; or

f. failure to participate in the early childhood site improvement planning process, as required by §512 of this Part.

2. Notice

a. If a family child care home is in violation of any provision of this Part, the LDE shall notify the family child care home in writing and may specify in a corrective action plan any corrective actions, required to retain academic approval.

b. Within 30 calendar days of receiving such notice, the family child care home must submit certification in writing to the LDE that:

i. corrective actions specified in the corrective action plan have been taken or are in the process of being taken in compliance with the schedule provided in the corrective action plan; and

ii. the family child care home will remain in compliance with the corrective action plan and all applicable regulations.

c. If the family child care home does not respond in a timely or satisfactory manner to the notice and corrective action plan or adhere to the implementation schedule required in the corrective action plan, the LDE may terminate or refuse to renew the family child care home academic approval.

d. The LDE shall provide written notice of a denial, termination, or refusal to renew academic approval to the family child care home.

e. The denial, termination, or refusal to renew a family child care home academic approval shall be effective upon the date if notice of the denial, termination, or refusal to renew.

K. Appeal Procedure

1. BESE shall have the authority to grant an appeal of the denial, termination, or refusal to renew academic approval for a family child care home.

2. The appeal procedure shall address unforeseen and aberrant factors impacting family child care homes or issues that arise when the literal application of the academic approval regulations does not consider certain unforeseen and unusual circumstances.

3. A family child care home may request an appeal of the denial, termination, or refusal to renew an academic approval by submitting a written request for an appeal to the LDE within 15 calendar days of the notice of the denial, termination, or refusal to renew an academic approval.

4. All appeal requests must clearly outline the specific reasons for requesting the appeal and the reasons why the appeal should be granted and must include any necessary supporting documentation.

5. The LDE shall review all timely-submitted appeal requests and make recommendations to BESE during the first regularly-scheduled BESE meeting following receipt of the appeal requests, or during the second regularly-scheduled BESE meeting if an appeal request is received within 14 working days of the next regularly-scheduled BESE meeting. Within this interval, the LDE shall notify the family child care home of the LDE recommendation and allow the family child care home to respond in writing. The

department recommendation and the family child care home response must be submitted to BESE for final disposition.

6. A family child care home that appeals the termination or refusal to renew academic approval shall retain academic approval during the appeal process.

L. Voluntary Termination or Non-Renewal of Academic Approval

1. The family child care home may voluntarily terminate academic approval at any point during the fiscal year in which the academic approval is valid.

a. Voluntary termination of academic approval must be reported in writing according to the process developed by the LDE.

2. The family child care home may voluntarily decline to renew academic approval during the renewal period for the next fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1271 (May 2022).

Chapter 5. Early Childhood Care and Education Accountability System

§512. Performance Rating Calculations for Community Networks

A. - A.3. ...

B. Early Childhood Site Improvement Planning Process

1. Beginning with the 2018-2019 school year, publicly-funded sites rated below 3.75 for the previous year shall participate in an early childhood site improvement planning process. At a minimum, sites must:

a. develop and submit a plan for site improvement in consultation with the department;

b. implement the plan for site improvement and allow for regular monitoring of implementation by the department; and

c. provide any reports or information related to the plan for site improvement as requested by the department.

B.1.d - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1874 (November 2016), LR 44:1442 (August 2018), LR 45:1454 (October 2019), LR 47:1286 (September 2021), LR 48:1272 (May 2022).

Shan N. Davis
Executive Director

2205#026

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Trauma-Informed Education
(LAC 28:CXV.337)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV, *Bulletin 741—Louisiana Handbook for School Administrators* in response to Act 353

of the 2021 Regular Legislative Session regarding annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

§337. Written Policies and Procedures

A. ...

B. Each LEA shall have policies and procedures that address, but are not limited to, the following:

1. - 31. ...

32. at least one hour of annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education, provided on a day that other types of in-service training will be provided and including research-based information regarding the following:

a. the impact of adverse childhood experiences on student educational experiences and on the school and classroom culture;

b. how to identify the signs and symptoms of adverse childhood experiences;

c. best practices for schools and classrooms regarding trauma-informed approaches to education; and

d. recognition of the impact of secondary trauma on school employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(29), R.S. 17:81, R.S. 17:240, R.S. 17:100.8, and R.S.17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007), LR 35:1101 (June 2009), LR 36:1224 (June 2010), LR 37:1141 (April 2011), LR 37:1380, 1380 (May 2011), LR 37:2134 (July 2011), LR 38:40, 41 (January 2012), LR 39:2197 (August 2013), LR 40:2530 (December 2014), LR 48:1273 (May 2022).

Shan N. Davis
Executive Director

2205#027

RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Trauma-Informed Education (LAC 28:LXXIX.119)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:LXXIX, *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* in response to Act 353 of the 2021 Regular Legislative Session regarding annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana
Handbook for Nonpublic School Administrators**

Chapter 1. Operation and Administration

§119. Written Policies

A. - B. ...

C. Each nonpublic school or system shall have written policies and/or procedures requiring at least one hour of annual in-service training on recognizing adverse childhood experiences and the utilization of trauma-informed education, provided on a day that other types of in-service training will be provided and including research-based information regarding the following:

1. the impact of adverse childhood experiences on student educational experiences and on the school and classroom culture;

2. how to identify the signs and symptoms of adverse childhood experiences;

3. best practices for schools and classrooms regarding trauma-informed approaches to education; and

4. recognition of the impact of secondary trauma on school employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 44:411, and R.S. 17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022).

Shan N. Davis
Executive Director

2205#028

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Preparation Programs (LAC 28:CXXXI.507)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel* to provide for alignment across BESE policy and facilitate issuance of initial certifications for educators completing both traditional and alternative teacher preparation programs. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

**Chapter 5. Teaching Credentials, Licenses and
Certifications**

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. Level 1 is the entry-level professional certificate, valid for three years. The level 2 and level 3 certificates are valid for five years.

1. Eligibility requirements for level 1 professional certificate:

a. Louisiana graduate:

i. successfully complete a state-approved traditional or alternate teacher preparation program, in accordance with admission and completion dates, as outlined in LAC 28:XLV, Chapter 7:

(a). for alternate preparation completers completing a one-year in-state residency as teacher of record, the applicant must hold a practitioner’s license (PL) in the certification area in which the teacher preparation program was completed and receive mentoring, as outlined in LAC 28:XLV (Bulletin 996), during the first year on a PL by a school-based mentor teacher in accordance with §553 of this Chapter;

(b). for undergraduate program completers and alternate preparation completers completing a one-year in-state residency, the applicant must hold a resident teacher certificate in accordance with §535 of this Chapter and receive mentoring by a classroom-based mentor teacher in accordance with §553 of this Chapter;

(c). for alternate preparation candidates completing a one-year residency out-of-state, the applicant must hold a resident teacher certificate in accordance with LAC 28:XLV.745. If the candidate completed the residency as teacher of record, holding a practitioner’s license above is not required;

(d). for undergraduate program completers completing a one-year out-of-state residency, the applicant must hold a resident teacher certificate in accordance with LAC 28:XLV.745 and §535 of this Chapter;

A.1.a.ii. - D.2.a ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022).

Shan N. Davis
Executive Director

2205#029

RULE

Board of Elementary and Secondary Education

**Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.743 and 745)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XLV, *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs* to provide for alignment across BESE policy and facilitate issuance of initial certifications for educators completing both traditional and

alternative teacher preparation programs. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter C. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A - C.1. ...

2. a one-year residency shall take place in a public or approved non-public school classroom in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification in accordance with LAC 28:CXXXI (Bulletin 746). Beginning September 1, 2020, the teacher of record shall be required to hold a provisional mentor teacher ancillary certificate or a mentor teacher certificate in accordance with LAC 28:CXXXI (Bulletin 746). The mentorship must include intensive supports, including co-teaching, collaborative planning, and observation and feedback sessions. The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII (Bulletin 130):

a. beginning July 1, 2018, candidates must hold a valid resident teacher certificate in order to be placed in a one-year residency;

C.2.b. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022).

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - D.4. ...

a. Beginning with the 2020-2021 academic year, candidates enrolled in an alternate teacher preparation program who serve as a teacher of record must be mentored at least 15 percent, or 6 hours per week, of the school’s instructional time, during the first year, by a school-based mentor teacher, who may collaborate with other personnel providing mentoring support.

i. ...

ii. The mentorship must include intensive supports, including:

- (a). co-teaching;
- (b). collaborative planning; and
- (c). observation and feedback sessions.

D.4.b. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022).

Shan N. Davis
Executive Director

2205#030

RULE

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Peace Officer Training (LAC 22:III.Chapter 47)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et. seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council has promulgated rules and regulations relative to the suspension of a peace officer's certification. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4733. Suspension of Certification

A. The POST Council may consider the suspension of a peace officer's certification when an incident involving the officer has been referred to it for review.

B. A *referred incident* is an incident:

1. which has been investigated; and
2. where the investigation has resulted in evidence of misconduct or violation of law; and
3. where either:
 - a. the law enforcement agency head has referred the incident to the POST Council for review; or
 - b. a district attorney, or the attorney general has referred the incident to the POST Council for review; or
 - c. an official acting in their elected/appointed capacity, such as a judge or mayor, has referred the incident to the POST Council for review.

C. Referred Incidents Subject to Review

1. The POST Council may conduct a suspension hearing to review referred incidents involving misconduct, as found by a court or law enforcement agency, which includes:

- a. violation of any statute or ordinance; or
- b. use of excessive force; or
- c. dishonesty or deception in violation of statute, ordinance, or policy of the employing law enforcement agency; or
- d. biased or prejudicial misconduct against one or more individuals based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity; or
- e. failure to perform duties and/or willful neglect of duties; or

f. misuse of authority.

2. The POST Council shall conduct a suspension hearing to review referred incidents involving misconduct, as found by a court or law enforcement agency, which includes:

- a. conviction of violation of any statute or ordinance; or
- b. resignation from an employing agency in lieu of termination or while under investigation; or
- c. involuntarily terminated from an employing agency for cause; or
- d. failure to meet annual POST in-service training requirements.

3. The POST Council may not suspend or revoke the certification of a peace officer for a violation of statute or ordinance, or a violation of the employing law enforcement agency's policies, that does not include misconduct listed in Paragraphs 1 or 2 above.

4. Due process requirements by law shall be afforded to the peace officer whose misconduct is under review.

D. Emergency Suspensions

1. Upon arrest or indictment of a peace officer for any crime which is punishable as a felony, the chairman of the POST Council may order the emergency suspension of the peace officer's POST certification, upon their determination that the suspension is in the best interest of the health, safety, or welfare of the public.

2. The order of emergency suspension shall be made in writing, and specify the basis for the chairman's determination. The emergency suspension order of the chairman shall continue in effect until issuance of a final decision of the POST Council or when such order is withdrawn by the chairman/POST Council.

E. Any hearings conducted by the council or appeal by an officer are conducted by rules and regulations established by the council.

1. An officer subject to a suspension hearing shall be duly notified at least 30 days in advance of the hearing by the council.

2. The council may take testimony and evidence during the hearing, and make findings of fact and conclusions of law.

3. The council shall notify the officer and the officer's employing agency regarding any decision.

4. Suspension hearings conducted the council can be conducted during a regularly scheduled meeting.

F. Conditions of Suspension

1. A suspension cannot begin sooner than the date of the misconduct.

2. A suspension may be ordered to run concurrently or consecutively with any other suspension.

3. Any suspension period cannot extend beyond 36 months (3 years).

G. Reinstatement after Suspension

1. A suspension issued for "failure to meet annual POST in-service training requirements" shall be automatically withdrawn upon confirmation that required training has been completed within the prescribed timeframe or by the issuance of a waiver by the POST Council. The peace officer's POST certification will be immediately reinstated, provided there are no other existing suspensions.

2. If the POST Council/staff is informed that criminal charges are dropped, withdrawn, or dismissed, the suspension is automatically removed. The peace officer's POST certification will be immediately reinstated, provided there are no other existing suspensions.

3. Any peace officer has the right to request an appeal of decision after being suspended or revoked by the POST Council. The request shall be submitted in writing to the POST Council, and include the reasons/justification for the reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 48:1275 (May 2022).

§4750. In Service Training and Certification

A - C.2. ...

D. Training Coordinators

1. Each law enforcement agency shall designate a training coordinator to manage the training affairs of their agency's officers throughout the year. The agency head may serve as the training coordinator.

2. The training coordinators are required to use the POST designated learning management system (LMS) to schedule and document their officer's training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 42:274 (February 2016), amended LR 43:316(February 2017), LR 44:1009(June 2018), LR 48:1276 (May 2022).

§4761. Advanced Training

A. - D.1. ...

E. Officer Involved Shooting Investigator Certification

1. Agency Certification

a. In order for an agency to be certified by the council to conduct officer involved shooting investigations, the agency must have at least three certified officer involved shooting investigators.

b. The POST Council will review each agency's certification annually, ensuring at least three investigators remain certified, according to the required criteria.

2. Investigator Certification

a. In order for an investigator to be certified by the council to conduct officer involved shooting investigations, the investigator must meet the following criteria:

i. must be a POST certified homicide investigator; and

ii. must have five years of general investigative experience; and

iii. must have three years of homicide investigative experience; and

iv. must have successfully completed a POST approved officer involved shooting investigator training.

b. The council may issue a waiver for the officer involved shooting investigator training, on a case-by-case basis, declaring that an investigator has previous experience and/or training that is substantially equal to or exceeds that provided by a training course. The waiver request must be submitted, in writing, to the council for review/approval.

c. In order for an investigator to remain certified by the council to conduct officer involved shooting investigations, the investigator must meet the following criteria:

i. must complete eight hours of continuing education annually (each calendar year);

ii. the following topics areas are recommended for the required continuing education hours: crime scene investigation, interview and interrogation, use of force, de-escalation, bias policing recognition, critical thinking, investigative techniques, investigation ethics, internal affairs, etc.;

iii. continuing education hours must be reported to POST, by the agency training coordinator, by December 31 of each calendar year;

iv. POST staff must report all deficiencies to the POST Council annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 42:274 (February 2016), amended by the Office of the Governor, Commission on Law Enforcement, LR 43:316 (February 2017), LR 44:1009 (June 2018), LR 48:1276 (May 2022).

Mr. Jim Craft
Executive Director

2205#004

RULE

Department of Health Bureau of Health Services Financing

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.Chapters 56 and 57)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapters 56 and 57 as authorized by R.S. 36:254 and R.S. 40:2151-2162. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5601. Introduction

A. - B. ...

C. The following providers shall be licensed under the BHS provider license:

1. substance use/addiction treatment facilities;

2. - 3. ...

D. Licensed substance use/addiction treatment facilities and mental health clinics have one year from the date of promulgation of the final Rule to comply with all of the provisions herein.

NOTE: Existing licensed substance use/addiction treatment facilities and mental health clinics shall be required to apply for a BHS provider license at the time of renewal of their current license(s).

E. The following entities shall be exempt from the licensure requirements for BHS providers:

1. - 10. ...

11. an individual licensed physician assistant (PA), or a group practice of licensed PAs, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses;

12. school-based health clinics/centers that are certified by the LDH, Office of Public Health, and enrolled in the Medicaid Program;

13. those local public school governing authorities, if such exemption is applicable to only school-based BHS provided through the Medicaid Early and Periodic Screening, Diagnostic, and Treatment program;

14. a health care provider or entity solely providing case management or peer support services, or a combination thereof;

a. - d. NOTE. Repealed.

15. facilities or services operated for the sole purpose of providing substance use or mental health services to courts that are recognized and certified by the Louisiana Supreme Court as specialty courts;

16. an individual licensed advanced practice registered nurse (APRN), or a group practice of licensed APRNs, providing services under the auspices of and pursuant to the scope of the individual's license or group's licenses;

17. rural health clinics (RHCs) providing RHC services under a license issued pursuant to R.S. 40:2197; and

18. facilities or services operated by the Department of Public Safety and Corrections, Corrections Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1379 (July 2017), LR 48:1276 (May 2022).

§5603. Definitions

* * *

Addiction Counselor—any person who is licensed, certified, or registered in accordance with state statute and procedures established by the Addictive Disorder Regulatory Authority and who, by means of his special knowledge acquired through formal education or practical experience, is qualified to provide addiction counseling services to those individuals afflicted with or suffering from an addictive disorder or certain co-occurring disorders.

* * *

Addiction Outpatient Treatment Services (ASAM Level I)—an outpatient program that offers comprehensive, coordinated, professionally directed and defined addiction treatment services that may vary in level of intensity and may be delivered in a wide variety of settings. Services are provided in regularly scheduled sessions of fewer than nine contact hours a week.

Addictive Disorder—the repeated pathological use of substances including but not limited to alcohol, drugs, or tobacco, or repeated pathological compulsive behaviors including but limited to gambling, which cause physical, psychological, emotional, economic, legal, social, or other

harms to the individual afflicted with the addiction or to others affected by the individual's affliction. Addiction disorder includes instances where withdrawal from or tolerance to the substance or behaviors are present, and also instances involving use and abuse of substances.

* * *

Advanced Practice Registered Nurse (APRN)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certifications.

Alternate Service Delivery Area—an area that is not contiguous to the geographic service area of the licensed BHS parent location and/or is in an LDH region where a BHS provider may be allowed to provide Homebuilders services when the provider has less than three staff providing such services in that region.

Ambulatory Withdrawal Management with Extended on-site Monitoring (ASAM Level 2-WM)—an organized outpatient addiction treatment service that may be delivered in an office setting or health care or behavioral health services provider by trained clinicians who provide medically supervised evaluation, withdrawal management and referral services. The services are designed to treat the client's level of clinical severity to achieve safe and comfortable withdrawal from mood-altering chemicals and to effectively facilitate the client's entry into ongoing treatment and recovery. The services are provided in conjunction with intensive outpatient treatment services (level 2.1).

* * *

Authorized Licensed Prescriber—a physician, PA, nurse practitioner, or medical psychologist (MP) licensed in the state of Louisiana and with full prescriptive authority who is authorized by the BHS provider to prescribe treatment to clients of the specific BHS provider at which he/she practices.

* * *

Behavioral Health Services—mental health services, substance use/addiction treatment services, or a combination of such services, for adults, adolescents and children. Such services may be provided in a residential setting, in a clinic setting on an outpatient basis, or in a home or community setting.

* * *

Business Location or Primary Business Office Location—the physical location/address that is designated by the provider as the main or primary business office location; there shall be only one designation of the main or primary business office location per provider; the main or primary business office location may be a licensed residential location, a licensed outpatient clinic, or other office location within the geographic service area authorized by the license.

Campus—for purposes of this Chapter, a location where BHS services are provided that is within the geographic service area as the licensed BHS provider. A campus may have multiple buildings/multiple addresses as long as those buildings are contiguous and not separated by public streets, and are within the same geographic service area as the licensed BHS provider.

* * *

Certified Addiction Counselor (CAC)—pursuant to R.S. 37:3387.1, any person who, by means of his specific

knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services and is certified by the ADRA as a CAC. The CAC shall not practice independently and shall not render a diagnostic impression.

Certified Clinical Supervisor—any person holding the necessary credential of licensed, certified, or registered addiction counselor or any person who holds a specialty substance use credential in another professional discipline in a human services field at the master's level or higher; and who has satisfied the requirements established by the Addictive Disorder Regulatory Authority (ADRA) to provide clinical supervision.

Cessation of Business—provider is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift or otherwise, of a licensed health care provider subject to this rule by a person, corporation, or other entity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

* * *

Client—any person who seeks and receives treatment or services, including but not limited to rehabilitation services or addiction counseling services, furnished by a provider licensed pursuant to this Chapter.

* * *

Clinically Managed High-Intensity Residential Treatment Services (ASAM Level 3.5)—a residential program that offers continuous observation, monitoring, and treatment by clinical staff designed to treat clients experiencing substance-related disorders who have clinically-relevant social and psychological problems, such as criminal activity, impaired functioning and disaffiliation from mainstream values, with the goal of promoting abstinence from substance use and antisocial behavior and affecting a global change in clients' lifestyles, attitudes and values.

Clinically Managed Low Intensity Residential Treatment Services (ASAM Level 3.1)—a residential program that offers at least five hours a week of a combination of low-intensity clinical and recovery-focused services for substance-related disorders. Services may include individual, group and family therapy, medication management and medication education, and treatment is directed toward applying recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the client into the worlds of work, education and family life (e.g., halfway house).

Clinically Managed Population Specific High-Intensity Residential Treatment Services (ASAM Level 3.3)—a residential program that offers at least 20 hours per week of a combination of medium-intensity clinical and recovery-focused services in a structured recovery environment to support recovery from substance-related disorders; is frequently referred to as extended or long term care.

Clinically Managed Residential Withdrawal Management (Social) (ASAM LEVEL 3.2-WM)—an organized residential program utilizing 24 hour active programming and containment provided in a non-medical setting that provides

relatively extended, sub-acute treatments, medication monitoring observation, and support in a supervised environment for a client experiencing non-life threatening withdrawal symptoms from the effects of alcohol/drugs and impaired functioning and who is able to participate in daily residential activities.

* * *

Co-Occurring Disorder—a disorder in which an individual has at least one psychiatric disorder as well as an addictive disorder.

* * *

Counselor in Training (CIT)—any person who has not yet met the qualification to become a licensed, certified, or registered counselor, but who has made application to the ADRA in accordance with state statute and procedures established by the ADRA. The CIT shall not practice independently and shall only work under the direct supervision of a licensed addiction counselor (LAC), CAC, or registered addiction counselor; or in the absence of a licensed, certified, or registered addiction counselor, under the direction of a qualified mental health professional.

* * *

Department—the LDH or any office or agency thereof designated by the secretary to administer the provisions of this Chapter.

* * *

Dispensing Physician—any physician in the state of Louisiana who is registered as a dispensing physician with the Louisiana State Board of Medical Examiners (LSBME) and who dispenses to his/her patients any drug, chemical, or medication, except a bona fide medication sample.

* * *

Facility Need Approval (FNA)—the letter of approval from the Office of Behavioral Health (OBH) which is required for licensure applicants for opioid treatment programs prior to applying for a BHS provider license or the letter of approval from the Facility Need Review (FNR) Committee within the department which is required for licensure applicants for psychosocial rehabilitation (PSR) or CPST services prior to applying for a BHS provider license.

FDA—the Food and Drug Administration of the United States Department of Health and Human Services.

Financial Viability—the provider seeking licensure is able to provide verification and continuous maintenance of all of the following pursuant to R.S. 40:2153:

1. ...
2. proof of professional liability insurance of at least \$500,000 or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):
 - a. if the BHS provider is self-insured and is not enrolled in the PCF, professional liability limits shall be \$1 million per occurrence/\$3 million per annual aggregate.
NOTE: the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent).
3. proof of workers' compensation insurance; and
4. proof of general liability insurance of at least \$500,000.

Geographic Service Area—the geographic service location for a public or private behavioral health services

provider licensed pursuant to this Part shall be defined to include:

1. the parish in which the provider's business office is located;
2. any parish contiguous to the parish in which the provider's business office is located; and
3. any distance within a fifty mile radius of the provider's business office.

Health Standards Section (HSS)—the licensing and certification section of the LDH.

High Risk Behavior—includes substance use, gambling, violence, academic failure, delinquency behavior, and mental health issues such as depression, anxiety, and suicidal ideations.

Intensive Outpatient Treatment Services (ASAM Level 2.1)—professionally directed assessment, diagnosis, treatment and recovery services provided in an organized non-residential treatment setting, including individual, group, family counseling and psycho-education on recovery as well as monitoring of drug use, medication management, medical and psychiatric examinations, crisis mitigation coverage and orientation to community-based support groups. Services may be offered during the day, before or after work or school, in the evening or on a weekend, and the program shall provide nine or more hours of structured programming per week for adults and six or more hours of structured programming per week for children/adolescents.

Licensed Mental Health Professional (LMHP)—an individual who is currently licensed and in good standing in the state of Louisiana to practice within the scope of all applicable state laws, practice acts and the individual's professional license, as one of the following:

1. - 6. ...
7. advanced practice registered nurse (APRN); or
8. ...

Licensed Rehabilitation Counselor (LRC)—any person who holds himself out to the public, for a fee or other personal gain, by any title or description of services incorporating the words "licensed professional vocational rehabilitation counselor" or any similar terms, and who offers to render professional rehabilitation counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, organizations, or the general public, and who implies that he is licensed to engage in the practice of rehabilitation counseling. An LRC is also known as a licensed professional vocational rehabilitation counselor. An LRC is not permitted to provide assessment or treatment services for substance use/addiction, mental health or co-occurring disorders under his/her scope of practice under state law.

Medical Psychologist—a licensed psychological practitioner who has undergone specialized training in clinical psychopharmacology and has passed a national proficiency examination in psychopharmacology approved by the LSBME.

Medically Monitored Inpatient Withdrawal Management (Medically Supported) (ASAM Level 3.7-WM)—a residential program that provides 24-hour observation, monitoring and treatment delivered by medical and nursing professionals to clients whose withdrawal signs and symptoms are moderate to severe and thus require residential care, but do not need the full resources of an acute care hospital.

Medically Monitored Intensive Inpatient Treatment Services (Co-occurring) (ASAM Level 3.7)—a residential program that provides a planned regimen of 24-hour professionally directed evaluation, observation, medical monitoring and addiction treatment to clients with co-occurring psychiatric and substance disorders whose disorders are so severe that they require a residential level of care but do not need the full resources of an acute care hospital. The program provides 24 hours of structured treatment activities per week, including, but not limited to, psychiatric and substance use assessments, diagnosis treatment, and habilitative and rehabilitation services.

Mental Health Clinic—an entity through which outpatient behavioral health services are provided, including screening, diagnosis, management or treatment of a mental disorder, mental illness, or other psychological or psychiatric condition or problem, mental health intensive outpatient services, and 24-hour emergency services that are provided either directly or through formal affiliation with other agencies by an interdisciplinary team of mental health professionals and subordinates in accordance with a plan of treatment or under the direction of a psychiatrist or another qualified physician with psychiatric consultation.

Mental Health Intensive Outpatient Programs (MH IOPs)—professionally directed assessment, diagnosis, and treatment provided in an organized non-residential treatment setting, including individual, group, family counseling and psycho-education as well as, medication management, medical and psychiatric examinations, and crisis mitigation coverage. Services may be offered during the day, before or after work or school, in the evening or on a weekend, and the program shall provide nine or more hours of structured programming per week for adults and six or more hours of structured programming per week for children/adolescents.

Mental Health Rehabilitation (MHR)—an outpatient healthcare program provider of any PSR, crisis intervention (CI) and/or CPST services that promotes the restoration of community functioning and well-being of an individual diagnosed with a mental health or mental or emotional disorder. The MHR provider utilizes evidence based supports and interventions designed to improve individual and community outcomes.

Mobile Crisis Response Team (MCRT)—unlicensed staff and recognized peer support specialist deploy in teams initially to assess and address a crisis as part of mobile crisis intervention response services, enlisting the assistance of an LMHP if needed. Exceptions to the team deployment may be made by the team leader. One staff person may deploy after the initial assessment, if appropriate as determined by the team leader. Unlicensed individuals work under the supervision of an LMHP or psychiatrist who is acting within

the scope of his/her professional license and applicable state law. MCRTs operate under an agency or facility license issued by LDH Health Standards.

Mobile Unit—any trailer or self-propelled unit equipped with a chassis on wheels and intended to provide behavioral health services on a temporary basis at a temporary location. These units shall be maintained and equipped to be moved.

Mothers with Dependent Children Program or Dependent Care Program—a program that is designed to provide substance use/addiction treatment to mothers with dependent children who remain with the parent while the parent is in treatment.

* * *

Nurse—any registered nurse licensed and in good standing with the Louisiana State Board of Nursing (LSBN) or any practical nurse licensed and in good standing with the Louisiana State Board of Practical Nurse Examiners (LSBPE).

* * *

Off-Site—a parent facility’s alternate location or premises that provides behavioral health services on a routine basis within the geographic service area of the licensed BHS provider that:

1. is detached from the parent provider and does not share the same campus;
2. the geographic service location for a public or private behavioral health services provider licensed pursuant to this Part shall be defined to include:
 - a. the parish in which the provider’s business office is located;
 - b. any parish contiguous to the parish in which the provider’s business office is located; and
 - c. any distance within a fifty mile radius of the provider’s business office.
3. is owned by, leased by or donated or loaned to the parent provider for the purpose of providing behavioral health services; and
4. has a sub-license issued under the parent facility’s license.

* * *

Onsite Access—for purposes of §5712 of this Rule, the delivery of the treatment to the patient at the location of the residential substance use disorder facility. For purposes of §5712, onsite access does not mean that the residential substance use disorder facility is required to maintain stock of the medication-assisted treatment at the facility.

* * *

OSFM—the Louisiana Department of Public Safety and Corrections (LDPSC), Office of State Fire Marshal (OSM).

* * *

Parent Facility—the main building or premises of a BHS provider where services are provided on-site and administrative records are maintained.

Partial Hospitalization Services (ASAM Level 2.5)—an organized outpatient service that delivers treatment to adolescents and adults. This level encompasses services that meet the multidimensional instability and complex needs of people with addiction and co-occurring conditions which do not require 24-hour care.

Peer Support Specialist—an individual with personal lived experience with a minimum of 12 consecutive months

of recovery from behavioral health conditions and successfully navigating the behavioral health services system. Recognized peer support specialists must successfully complete an OBH-approved peer training program, continuing education requirements, and clinical supervision prior to providing peer support services.

* * *

Physician Assistant—a licensed health care practitioner who is acting within the practice of his/her respective licensing boards(s) and/or certifications.

* * *

Prevention Specialist—an individual who works with individuals, families and communities to create environments and conditions that support wellness and the ability of individuals to withstand changes. Prevention specialists are trained in needs assessment, planning and evaluation, prevention education and service delivery, communication, community organization, public policy and environmental change. A Prevention specialist is any person who has received credentials from the ADRA to be a licensed, certified, or registered prevention professional.

Prevention Specialist-in-Training—any person who has not yet met the qualifications to become a licensed, certified, or registered prevention professional, but who has made application to the ADRA in accordance with the provisions of state statute and procedures established by the ADRA, and works under the supervision as required by ADRA.

* * *

Registered Addiction Counselor (RAC)—pursuant to R.S. 37:3387.2, any person who, by means of his/her specific knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services and is registered by the ADRA as a RAC. The RAC shall not practice independently and shall not render a diagnostic impression.

* * *

Secretary—the secretary of the LDH or his/her designee.

* * *

Site/Premises—a single identifiable geographic location owned, leased, or controlled by a provider where any element of treatment is offered or provided. Multiple buildings may be contained in the license only if they are connected by walkways and not separated by public streets.

* * *

State Opioid Treatment Authority (SOTA)—the agency or other appropriate officials designated by the governor or his/her designee, to exercise the responsibility and authority within the state for governing the treatment of opiate addiction with an opioid drug. The SOTA for the state of Louisiana is the OBH.

* * *

Substance Use/Addiction Treatment Service—a service related to the screening, diagnosis, management, or treatment for the use of or addiction to controlled dangerous substances, drugs or inhalants, alcohol, problem gambling or a combination thereof; may also be referred to as substance use disorder service.

* * *

Unlicensed Professional (UP)—for purposes of this Rule, any unlicensed behavioral health professional who cannot practice independently or without supervision by a LMHP.

This includes but is not limited to CACs, RACs and unlicensed addiction counselors, social workers or psychologists.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022).

Subchapter B. Licensing

§5605. General Provisions

A. - E. ...

F. Provider Names. A BHS provider is prohibited from using:

1. ...

2. a name that resembles the name of another BHS provider licensed by the department as determined by the Louisiana Secretary of State;

F.3. - G.11. ...

H. Plan Review

1. Plan review is required for outpatient clinics and residential BHS provider locations where direct care services or treatment will be provided, except for the physical environment of a substance use/addiction treatment facility or licensed mental health clinic at the time of this Chapter's promulgation.

2. - 4.b. ...

I. Waivers

1. - 3. ...

4. Waivers are not transferable in a CHOW or geographic change of location, and are subject to review or revocation upon any change in circumstances related to the waiver.

J. - L.9. ...

M. Geographic Service Area

1. The geographic service area is the geographic area that a BHS provider's license allows services (including all telehealth services) to be provided to clients.

2. For purposes of this licensing rule, the geographic service area shall be established as follows:

a. for providers owned and/or operated by a human service district or authority, the geographic service area shall be the parishes and jurisdiction of the district or authority in statute;

b. for providers participating in the Homebuilders program, the geographic service area shall be the parishes of the LDH region in which the provider is licensed and has its primary business office location;

i. upon receipt of a written waiver request from such provider, the LDH Health Standards Section may grant a waiver to a Homebuilders provider to operate in another LDH region for good cause shown;

ii. the LDH Health Standards Section may request from the Homebuilders provider any documentation or information necessary to be able to evaluate and make a determination to grant or deny the waiver request; and

iii. if granted, the waiver shall be for a limited time, and not to exceed six months.

c. for mobile crisis response teams, the geographic service area shall be the parishes of the LDH region in which the provider is licensed and has its primary business office location;

d. for all other BHS providers, the geographic service area shall be as follows:

i. for providers of residential services the geographic service area shall be the fixed, licensed residential location geographic address and any licensed offsite residential location geographic address only;

ii. for providers of outpatient services (other than providers with a mental health service program that provide services only in the home and community – see below) the geographic service area shall be:

(a). the geographic address of the licensed outpatient clinic;

(b). the geographic address of any licensed offsite outpatient clinic;

(c). in a home or community location in the parish in which the primary business office of the BHS provider is located;

(d). in a home or community location in any parish contiguous to the parish in which the BHS provider's primary business office is located, and

(e). in a home or community location that is within a 50 mile radius of the BHS provider's primary business office.

iii. for providers of a mental health service program that provide services only in the home and community (defined as providers without a fixed, licensed outpatient clinic that only provide behavioral health services to clients in a home or community setting) the geographic service area shall be:

(a). the geographic address of the home or community location in the parish in which the designated primary business office of the BHS provider is located;

(b). the geographic address of the home or community location in any parish contiguous to the parish in which the BHS provider's primary business office is located; and

(c). the geographic address of the home or community location that is within a 50 mile radius of the BHS provider's designated primary business office.

3. A BHS provider may not provide telehealth services outside of its geographic service area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1687 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:588 (April 2020), LR 48:1281 (May 2022).

§5606. License Restrictions and Exceptions

A. - A.2. ...

B. A BHS provider may apply for a waiver from the HSS to provide home or community services to a client residing outside of the provider's designated geographic service area only under the following conditions:

B.1. - D. ...

E. Exception to Service Delivery Area. A BHS homebuilders provider may request the approval of an alternate service delivery area that shall include the following submitted to the HSS:

1. letter of FNR approval for the alternate geographic service delivery area; and

2. attestation that the homebuilders program currently has less than three staff providing homebuilders services in the alternate geographic service delivery area;

F. Exceptions during a Gubernatorial Declared State of Emergency or Disaster

1. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed BHS providers, may allow a licensed BHS provider to operate and provide services to existing clients who are receiving outpatient BHS services and who have evacuated or temporarily relocated to another location in the state when the following apply:

a. the client has evacuated or temporarily relocated to a location outside of the provider's licensed region due to the declared state of emergency or disaster;

b. the client shall have been a client of the BHS provider as of the declared state of emergency or disaster, with an approved treatment plan;

c. the provider has sufficient and qualified staff to provide services at the client's temporary location;

d. the provider is responsible for ensuring that all essential services, are provided in accordance with the treatment plan; and

e. the provider shall not interfere with the client's right to choose a provider of his/her choice if the client elects a new BHS provider in the area where the client relocates. The provider shall facilitate client's selection.

2. Under the provisions of §5606.F.1-4, the department's initial written notice to licensed BHS providers to authorize these allowances shall be for a period not to exceed 45 days. The department may extend this initial period, not to exceed an additional 45 days, upon written notice sent electronically to the licensed BHS providers.

3. Under the supervision of §5606.F.1-4, the department, in its discretion, may authorize these allowances statewide or to certain affected parishes.

4. A BHS provider who wants to provide services to a client that has temporarily relocated out of state must contact that state's licensing/certification department to obtain any necessary licensing and/or certification before providing services in that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2162.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:588 (April 2020), amended LR 48:1281 (May 2022).

§5607. Initial Licensure Application Process

A. ...

B. The completed initial licensing application packet shall include:

1. - 2. ...

3. the LDH plan review approval letter from OSFM, if applicable;

4. - 10. ...

11. if operated by a corporate entity, such as a corporation or a limited liability company, current proof of registration and status with the Louisiana Secretary of State;

12. any other documentation or information required by the department for licensure including, but not limited to:

a. documentation for opioid treatment programs, such as a copy of the OBH FNA letter; and

b. a copy of the FNR approval letter for providers of PSR/CPST;

13. for a residential substance use disorder facility, submission of the attestation in accordance with §5712 of this Rule.

C. Deadline for Submitting Initial Licensure Application for Unlicensed Agencies

1. Any unlicensed agency that is a provider of any PSR, CI and/or community psychiatric support and treatment services prior to the promulgation of this Rule and is required to be licensed as a BHS provider has 180 days from the promulgation of this Rule to submit an initial licensing application packet to HSS.

C.2. - H. ...

I. A BHS provider is prohibited from providing behavioral health services to clients during the initial application process and prior to obtaining a license, unless the applicant qualifies as one of the following facilities:

1. ...

2. a licensed substance use/addiction treatment facility; or

3. an agency that is a provider of PSR, community psychiatric support and treatment, and/or CI services.

J. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1688 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), LR 48:1282 (May 2022).

§5615. Renewal of License

A. ...

B. To renew a license, the BHS provider shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet shall include:

1. - 5. ...

6. payment of any outstanding fees, fines or monies owed to the department;

7. for a residential substance use disorder facility, submission of the attestation in accordance with §5712 of this Chapter; and

8. any other documentation required by the department.

C. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1691 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), LR 48:1282 (May 2022).

§5643. Core Staffing Personnel Qualifications and Responsibilities

A. ...
B. Professional Staffing Standards. All BHS providers shall, at a minimum, have the following staff:

1. a medical director who:
a. is a physician, or an APRN, or a MP, with a current, unrestricted license to practice in the state of Louisiana with two years of qualifying experience in treating psychiatric disorders;

* * *

b. has the following assigned responsibilities:
i. ...
ii. provides oversight for provider policy/procedure, client treatment plans and staff regarding the medical needs of the clients according to the current standards of medical practice;

b.iii. - d. ...
2. a clinical director who, for those mental health rehabilitation providers which exclusively provide the evidenced-based practice multi-systemic therapy (MST), functional family therapy (FFT) or Homebuilders:

a. ...
b. has the following assigned responsibilities:
i. ...
ii. provides oversight for provider policy/procedure, client treatment plans and staff regarding the clinical needs of the clients according the current standards of clinical practice;

B.2.b.iii. - 4.viii. ...

5. nursing staff who, for those BHS providers whose services include medication management and/or addiction treatment services:

a. provide the nursing care and services under the direction of a registered nurse (RN) necessary to meet the needs of the clients; and

b. - b.i. ...
ii. Nursing services may be provided directly by the BHS provider or may be provided or arranged via written contract, agreement, policy, or other document. The BHS provider shall maintain documentation of such arrangement.

C. Other Staffing Requirements. The provider shall abide by the following staffing requirements that are applicable to its provider:

1. Licensed Mental Health Professionals
a. The provider shall maintain a sufficient number of LMHPs, who are licensed to practice independently in the state of Louisiana to diagnose and treat mental illness and/or substance use, to meet the needs of the provider’s clients.

b. - b.iii. ...
iv. provide on-site and direct professional supervision of any UP or inexperienced professional;

v. - vi. ...
2. Unlicensed Professionals
a. The provider shall maintain a sufficient number of UPs to meet the needs of its clients;

b. - b.v. ...

3. Direct Care Aides
a. A residential provider shall have a sufficient number of direct care aides to meet the needs of the clients;

b. A provider that provides outpatient services shall use direct care aides as needed;

3.c. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1700 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1383 (July 2017), LR 48:1283 (May 2022).

§5645. Personnel Records

A. - A.10. ...

11. prior to hiring the unlicensed direct care staff member, and once employed, at least every six months thereafter or more often, the provider shall have documentation of reviewing the Louisiana state nurse aide registry and the Louisiana direct service worker registry on the Louisiana Adverse Action website to ensure that each unlicensed direct care staff member does not have a negative finding on either registry; and

A.12. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1702 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1283 (May 2022).

Subchapter F. Admission, Transfer and Discharge

§5669. Interior Space for Residential Facilities

A. - C.3. ...

D. Client Bedrooms. The provider shall ensure that each client bedroom in the facility:

1. - 4. ...

5. contains no more than four beds;

EXCEPTION: Providers licensed as substance use/addiction treatment residential facilities at the time this Rule is promulgated that have more than four clients per bedroom, may maintain the existing bedroom space that allows more than four clients per bedroom provided that the bedroom space has been previously approved by a LDH waiver. This exception applies only to the currently licensed physical location.

6. - 7.c. ...

8. has a window;

D.9. - E.7. ...

8. prohibit bunk beds in the following programs:

a. clinically managed residential withdrawal management (ASAM level 3.2-WM);

b. Clinically Managed High Intensity Residential treatment services (ASAM level 3.5);

c. medically monitored intensive residential treatment services(ASAM level 3.7); and

d. medically monitored inpatient withdrawal (ASAM level 3.7WM).

F. Bathrooms

1. - 2. ...

3. The provider shall ensure that each client has personal hygiene items, such as a toothbrush, toothpaste, shampoo, and soap as needed.

4. In a multi-level facility, there shall be at least one full bathroom with bathing facility reserved for client use on each client floor.

5. ...

6. The provider shall have at least one separate toilet and a lavatory for the staff located within the facility.

H. - I. ...

J. Staff Quarters. The provider utilizing live-in staff shall provide adequate, separate living space with a private bathroom to include a shower for staff usage only.

K. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1707 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1385 (July 2017), LR 48:1283 (May 2022).

§5670. Mobile Units

A. All BHS providers offering services via a mobile unit shall notify the HSS prior to providing services via a mobile unit.

B. The mobile unit shall be maintained in safe working order and in compliance with applicable state and federal regulations and laws, including but not limited to those regulations and law relative to the safe and effective operation of motor vehicles.

C. A licensed behavioral health provider operating a mobile unit shall provide behavioral health services only in the geographic service area of the licensed behavioral health service provider.

D. All BHS providers utilizing a mobile unit shall have policies and procedures that address the use of mobile units.

NOTE: The provisions of this Section shall be effective upon the promulgation of this Rule and not to exceed one year as a pilot program limited only to currently licensed local governing entity (LGE) BHS providers. At the end of the one year pilot period, LDH will re-evaluate these provisions to determine whether they should continue for LGE BHS providers only, or whether to apply them to all other licensed BHS providers of mobile services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022).

Subchapter J. Safety and Emergency Preparedness

§5673. Infection Control

A. ...

B. The provider shall have an active Infection Control Program that requires:

1. reporting of infectious disease in accordance with current CDC and state and federal OPH guidelines;

2. - 3. ...

4. a designated infection control coordinator who:

a. develops and implements policies and procedures related to infection control that follow most recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster; and

b. ...

5. universal precautions, including proper handwashing and personal protective equipment, as needed; and

6. ...

C. The provider shall maintain a clean and sanitary environment and shall ensure that:

1. appropriate supplies and personal protective equipment, as needed, are available to staff;

C.2. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1709 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022).

§5677. Inactivation of License due to a Declared Disaster or Emergency

A. A licensed BHS provider located in a parish which is the subject of an executive order or proclamation of emergency or disaster issued, may seek to inactivate its license for a period not to exceed one year, provided that the provider:

1. - 1.b. ...

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

A.1.d. - E. ...

F. During the period of inactivation, the department prohibits CHOW of the provider.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1711 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022).

Subchapter L. Additional Requirements for Mental Health Programs

§5684. Mobile Services

A. Outreach Mobile Services

1. community outreach services (including access to specialized care;

2. prevention and awareness strategies (primary prevention);

3. screening, brief intervention and referral to treatment (SBIRT);

4. recovery support services;

5. peer recovery coaching;

6. naran education and distribution;

7. other similar educational and outreach services; and

8. may be provided in a car, van, motor home, kiosk, etc.

B. Outreach Mobile Team

1. LMHP

2. prevention specialist

3. peer support specialist

4. Medical professional (licensed practical nurse (LPN), RN, or medical doctor (MD))

C. Behavioral Health Mobile Clinic (BHMC) Services

1. behavioral health services provided in a mobile unit that travels to various locations within the behavioral health service provider (BHSP)'s geographic service area;

2. only existing licensed LGEs shall be authorized to provide behavioral health services in a BHMC;

3. BHSP may utilize a BMHC to provide services to youth and/or adults who may be struggling to access

behavioral health services through traditional means because of barriers to treatment such as transportation, family issues, child care concerns or conflicting work schedules;

4. BHSP shall ensure that services are provided in a secure, private/HIPAA compliant space and offering the same behavioral health services provided in the brick and mortar clinic;

5. BHSP shall ensure client records are maintained in a secure and confidential manner;

6. BHSP shall ensure staff is available consistent with the services provided in the BHMC; and

7. BHMC service shall be provided in a motor home/recreational vehicle type vehicle;

8. BHMC services include the following:

a. intake, assessments and enrollment of new clients;

b. medical screens for entrance into a behavioral health treatment service/program by appropriate medical professional in accordance with their scope of practice;

c. screening, brief intervention and referral to treatment;

d. counseling services;

e. coping skills;

f. case management/care coordination;

g. stress management;

h. relapse prevention;

i. individual recovery planning;

j. medication assisted treatment (MAT) services (Methadone is excluded from this mobile service); and

k. pharmacy services.

9. excluded mobile services include, but are not limited to the following:

a. Opioid Treatment Program (OTP);

b. substance use disorder residential services;

c. Medicaid home and community based services (behavioral health and waiver); and

d. crisis services.

NOTE: The provisions of this Section shall be effective upon the promulgation of this Rule and not to exceed one year as a pilot program limited only to currently licensed local governing entity (LGE) BHS providers. At the end of the one year pilot period, LDH will re-evaluate these provisions to determine whether they should continue for LGE BHS providers only, or whether to apply them to all other licensed BHS providers of mobile services.

D. Mobile Crisis Response

1. mobile crisis response services are an initial or emergent crisis intervention response for adults 21 years or over intended to provide relief, resolution and intervention provided by a mobile crisis response team (MCRT);

2. this service shall be provided under the supervision of an LMHP with experience regarding this specialized mental health service. the LMHP or physician shall be available at all times to provide back-up, support and/or consultation from assessment of risk and through all services delivered during a crisis; and

3. this service is not intended to be conducted or provided inside the vehicle; the vehicle is for transport of employees to the clients' location in their home/community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022).

§5691. Behavioral Health Service Providers with a Mental Health Program that Provide Services Only in the Home and Community

A. ...

B. Primary Business Office. The provider offering behavioral health services only in the home or community shall have a business location that:

1. - 2. ...

3. has at least one employee on duty in the primary business office during hours of operation listed on the approved license application;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1713 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1285 (May 2022).

§5692. Mental Health Intensive Outpatient Programs (MHIOPs)

A. The provider shall:

1. develop admission criteria that recognizes the dual-function of MHIOPs (i.e., that they can serve as both a step-down from hospitalization and as a preventative measure to hospitalization);

2. maintain a minimum of nine contact hours per week for adults, at a minimum of three days per week, with a maximum of 19 hours per week;

3. maintain a minimum of six hours per week for children/adolescents, at a minimum of three days per week, with a maximum of 19 hours per week;

4. review and update the treatment plan in collaboration with the client as needed or at a minimum of every 30 days;

5. have the capability to provide:

a. individual, group, and family therapy;

b. crisis management/coverage capabilities;

c. medication management capabilities; and

d. basic case management services;

6. conduct a biopsychosocial assessment which must include an assessment for substance use/addiction, and refer to a proper level of care for addiction treatment, where indicated;

7. offer aftercare/continuing care group counseling services to people successfully completing a MH IOP; and

8. have a structured psychoeducational curriculum in place that covers, at a minimum, the following subjects:

a. disease education (i.e., education on mental illness/various psychiatric illnesses);

b. the role of medication and proper medication management in the treatment of psychiatric illnesses;

c. education on co-occurring illnesses;

d. education on developing a long-term recovery plan, and guidance towards getting grounded in community-based support programming geared towards people with chronic mental health challenges;

e. education on symptom management;

f. education on crisis management;

g. education on the role of nutrition in the treatment of mental health issues; and

h. education on the role of family/key personal stakeholders in a recovery plan.

B. Staffing. The provider shall ensure that:

1. a physician is on site as needed for the management of psychiatric and medical needs and on call 24 hours per day, seven days per week;

2. there is a clinical supervisor on-site 10 hours a week and on call 24 hours per day, seven days per week;

3. there is at least one LMHP on site when clinical services are being provided;

4. each LMHP/UP caseload does not exceed 1:25 active clients; and

5. there are nursing services available as needed to meet the nursing needs of the clients.

a. nursing services may be provided directly by the BHS provider or may be provided or arranged via written contract, agreement, policy or other document. The BHS provider shall maintain documentation of such arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1285 (May 2022).

Subchapter M. Additional Requirements for Substance Use/Addiction Treatment Programs

NOTE: In addition to the requirements applicable to all BHS providers, a provider that provides substance use/addiction treatment services shall meet the requirements of Subchapter M.

§5695. Addiction Outpatient Treatment Services (ASAM Level 1)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 1 into this program;

A.2. - B.5.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5697. Intensive Outpatient Treatment Services (ASAM Level 2.1)

A. The provider shall:

1. only admit clients clinically appropriate for ASAM level 2.1 into this program;

A.2. - B.5.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1714 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5698. Partial Hospitalization Services (substance use only) (ASAM Level 2.5)

A. The provider shall:

1. only admit clients clinically appropriate for ASAM level 2.5 into this program;

A.1.a. - B.5.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1387 (July 2017), LR 48:1286 (May 2022).

§5699. Ambulatory Withdrawal Management with Extended On-Site Monitoring (ASAM Level 2-WM) (Adults Only)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 2-WM into this program;

2. ...

3. ensure that level 2-WM services are offered in conjunction with intensive outpatient treatment services (ASAM level 2.1);

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5701. Clinically Managed Low-Intensity Residential Treatment Services (ASAM Level 3.1)

A. The BHS provider shall:

1. only admit clients clinically appropriate for ASAM level 3.1 into its Clinically Managed Low-Intensity Residential Treatment Services;

2. - B.4.c....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5703. Clinically Managed Residential Withdrawal (Social) (ASAM Level 3.2-WM)

A. The provider shall:

1. only admit clients clinically appropriate for ASAM level 3.2-WM into its Clinically Managed Residential Withdrawal Management Program;

A.2. - B.1. ...

2. The provider shall orient the direct care staff to monitor, observe and recognize early symptoms of serious illness associated with withdrawal management and to access emergency services promptly.

C. - C.5.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1715 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5705. Clinically Managed Population Specific High-Intensity Residential Treatment (ASAM Level 3.3) (Adult Only)

A. The provider shall:

1. only admit clients clinically appropriate for ASAM level 3.3 into its Clinically Managed High-Intensity Residential Treatment Services;

2. offer at least 20 hours per week of a combination of high-intensity clinical and recovery-focused services;

A.3. - B.6. ...

C. Mothers with Dependent Children Program (Dependent Care Program)

1. A provider's Mothers with Dependent Children Program shall:

- a. meet the requirements of ASAM level 3.3;
- b. - 2.f. ...

3. Clinical Care for Children. The provider shall:

a. address the specialized and therapeutic needs and care for the dependent children and develop an individualized treatment plan to address those needs, to include goals, objectives and target dates;

- b. - 7.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1716 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1286 (May 2022).

§5707. Clinically Managed High-Intensity Residential Treatment Services (ASAM Level 3.5)

A. The provider shall:

1. admit only clients clinically appropriate for ASAM level 3.5 into its Clinically Managed High Intensity Residential Treatment Services;

- A.2. - B.6.d.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1717 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022).

§5709. Medically Monitored Intensive Inpatient Treatment Services (Co-occurring) (ASAM Level 3.7) (Adults Only)

A. The provider shall:

1. admit only clients clinically appropriate for ASAM level 3.7 into its Medically Monitored Intensive Residential Inpatient Treatment Services; and

- A.2. - B.4. ...

5. its on-site nursing staff is solely responsible for 3.7 program and does not provide services for other levels of care at the same time;

6. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1718 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022).

§5711. Medically Monitored Inpatient Withdrawal Management (Medically Supported) (ASAM Level 3.7-WM) (Adults Only)

A. The provider shall:

1. admit only clients clinically appropriate for ASAM level 3.7-WM into its Medically Monitored Inpatient Withdrawal Management Program;

- A.2. - C.2.e.ii ...

3. Clinical Supervisor and UPs

- 3.a. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

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

41:1718 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022).

Subchapter N. Additional Requirement for Substance Use/Addictive Residential Treatment Programs

NOTE: In addition to the requirements applicable to all BHS providers, residential programs that treat substance use/addiction shall meet the applicable requirements below.

§5712. Onsite Access to Medication-Assisted Treatment

A. Each residential substance use disorder facility licensed as a BHS provider that provides treatment for opioid use disorder shall provide all of the following:

1. onsite access, as defined in the Rule, to at least one form of FDA-approved opioid antagonist treatment; and

2. onsite access, as defined in this Rule, to at least one form of FDA-approved partial opioid agonist treatment.

B. A residential substance use disorder facility licensed as a BHS provider shall not be found to be in violation of this Section if prior authorization from a patient's health insurer, a Medicaid program, is required, and the preapproval request is denied by the patient's health insurer.

C. Each residential substance use disorder facility licensed as a BHS provider which provides treatment for opioid use disorder shall submit to the department on its initial licensing application and/or its annual licensing renewal application an attestation as to whether it is complying with the requirements of §5712.A and when such compliance began.

D. If the licensed facility is not fully complying with the requirements of §5712.A, then the attestation that the facility submits to the department shall include a report addressing its progress toward satisfying the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1287 (May 2022).

Subchapter O. Additional Requirement for Substance Opioid Treatment Programs

§5723. General Provisions

A. A provider with an opioid treatment program shall:

1. meet the requirements of the protocols established by OBH/SOTA;

2. ...

3. upon the death of a client:

a. report the death of a client enrolled in their clinic to the SOTA within 24 hours of the discovery of the client's death;

- b. ...

c. submit documentation on the cause and/or circumstances to SOTA and to HSS, if applicable, within 24 hours of the provider's receipt of the documentation; and

- 3.d. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1720 (September 2015), amended by the Department of Health,

§5725. Treatment

A. - B.5.c. ...

C. Counseling. The provider shall ensure that:

1. - 4. ...

5. all counseling is provided individually or in homogenous groups, including but not limited to family member(s), spouse, child(ren) or significant other as identified by the client, not to exceed 12 clients.

D. Physical Evaluations/Examinations. The provider shall ensure that each client has a documented physical evaluation and examination by a physician or APRN as follows:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022).

§5727. Additional Staffing Requirements

A. - A.1.b. ...

c. The provider's pharmacist or dispensing physician shall:

i. - v. ...

vi. maintain medication records for at least three years in accordance with state laws, rules and regulations;

vii. approve all transport devices for take-home medications in accordance with the program's diversion control policy;

viii. work collaboratively with the medical director to decrease the dose to accomplish gradual, but complete withdrawal, only when requested by the member;

ix. contribute to the development of the initial treatment plan;

x. contribute to the documentation for the treatment plan review every 90 days in the first two years of treatment; and

xi. document response to treatment in progress notes at least every 30 days.

2. Nursing

a. - b. ...

c. The responsibilities of the nurse(s) include but are not limited to:

i. administering medications;

ii. monitoring the client's response to medications;

iii. evaluating the client's use of medications and treatment from the program and other sources;

iv. documenting responses to treatment in progress notes at least every 30 days;

v. contributing to documentation for the treatment plan review every 90 days in the first two years of treatment;

vi. conducting drug screens; and

vii. participating in discharge planning.

3. Licensed Mental Health Professionals

a. ...

b. licensed mental health professionals shall have a current, valid and unrestricted license in the state of Louisiana, and must comply with current, applicable scope of practice and supervisory requirements identified by their respective licensing boards.

i. - ii. Repealed.

c. the LMHP providing substance use treatment services shall have documented credentials, experience and/or training in working with members who have substance use disorders, which shall be maintained in the individual's personnel record.

d. the provider shall ensure that:

i. the caseload of the LMHP shall not exceed 75 active clients; and

ii. there is an LMHP on site at least five hours/week.

e. licensed mental health professionals shall provide the following services:

i. conduct orientation;

ii. develop the initial plan for treatment;

iii. revise treatment to include input by all disciplines, members and significant others;

iv. provide individual counseling;

v. contribute to the development as well as document the initial treatment plan;

vi. document response to treatment in progress notes at least every 30 days;

vii. contribute to the development as well as document reviews of treatment plan every 90 days in the first two years of treatment by the treatment team; and

viii. conduct in discharge planning as appropriate.

4. Unlicensed Professionals

a. - b. ...

c. unlicensed professionals of substance use services must be registered with the addictive disorders regulatory authority (ADRA) and meet regulations and requirements in accordance with RS 37:3387 et seq.

i. written verification of ADRA registration and documentation of supervision when applicable shall be maintained in the individual's personnel record.

ii. unlicensed staff who fall under a professional scope of behavioral health practice with formal board approved clinical supervision and whose scope includes the provision of substance use services will not need to register with ADRA.

d. unlicensed substance use providers must meet at least one of the following qualifications:

i. be a master's prepared behavioral health professional that has not obtained full licensure privileges and is participating in ongoing professional supervision. When working in substance use treatment settings, the master's-prepared UP must be supervised by an LMHP, who meets the requirements of this Section;

ii. be a registered addiction counselor;

iii. be a certified addiction counselor; or

iv. be a CIT that is registered with ADRA and is currently participating in a supervision required by the addictive disorders practice act.

e. unlicensed professionals perform the following services under the supervision of a physician or LMHP:

i. participate in conducting orientation;

ii. participate in discharge planning as appropriate; and

iii. provide support to the treatment team where applicable, while only providing assistance allowable under the auspices of and pursuant to the scope of the individual's license.

5. Physician or APRN. There shall be a physician or APRN who is on-site as needed or on-call as needed during hours of operation.

a. the physician or APRN shall have a current, valid unrestricted license to practice in the state of Louisiana. The physician or APRN shall be on-site or on-call as needed during the hours of operation to provide the following services:

- i. examine member for admission (physician only)
- ii. administer medications;
- iii. monitor the member's response to medications;
- iv. evaluate the member's use of medication and treatment from the program and other sources;
- v. contribute to the development of the initial treatment plan;
- vi. contribute to the documentation regarding the response to treatment for treatment plan reviews;
- vii. contribute to the documentation for the treatment plan review every 90 days in the first two years of treatment;
- viii. conduct drug screens; and
- ix. participate in discharge planning.

6. Medical Director

a. the provider shall ensure that its medical director is a licensed physician with a current, valid unrestricted license to practice in the state of Louisiana with two years of qualifying experience in treating psychiatric disorders.

b. the medical director shall provide the following services:

- i. decrease the dose to accomplish gradual, but complete withdrawal, only when requested by the member;
- ii. provide medically approved and medically supervised assistance for withdrawal, only when requested by the member;
- iii. participate in the documentation of reviews of treatment plan every 90 days in the first two years of treatment;
- iv. order take home doses; and
- v. participate in discharge planning.

7. Clinical Supervisor (CS)

a. state regulations require supervision of unlicensed professionals by a CS, who:

- i. is an LMHP that maintains a current and unrestricted license with its respective professional board or licensing authority in the state of Louisiana;
- ii. shall be on duty and on call as needed; and
- iii. has two years of qualifying clinical experience as an LMHP in the provision of services provided by the provider;

b. the CS shall have the following responsibilities:

- i. provide supervision utilizing evidenced-based techniques related to the practice of behavioral health counseling;
- ii. serve as resource person for other professionals counseling persons with behavioral health disorders;
- iii. attend and participate in care conferences, treatment planning activities, and discharge planning;
- iv. provide oversight and supervision of such activities as recreation, art/music, or vocational education;

v. function as member advocate in treatment decisions;

vi. ensure the provider adheres to rules and regulations regarding all behavioral health treatment, such as group size, caseload, and referrals;

vii. provide only those services that are within the person's scope of practice; and

viii. assist the clinical director and/or medical director and governing body with the development and implementation of policies and procedures.

B. Training. All direct care employees shall receive orientation and training for and demonstrate knowledge of the following, including, but not limited to:

1. - 3. ...

4. poly-drug addiction;

5. information necessary to ensure care is provided within accepted standards of practice; and

6. non-licensed direct care staff are required to complete a basic clinical competency training program approved by OBH prior to providing the service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022).

§5729. Medications

A. - B.4. ...

5. Exceptions to the Standard Schedule. The provider shall request and obtain approval for a federally identified exception to the standard schedule from the SOTA. Any exception shall be for an emergency or severe travel hardship.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1722 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017), LR 48:1289 (May 2022).

Dr. Courtney N. Phillips
Secretary

2205#049

RULE

**Department of Health
Bureau of Health Services Financing**

Nursing Facilities
Licensing Standards
(LAC 48:I.9767)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.9767 as authorized by R.S. 36:254 and 40:2009.1 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter B. Organization and General Services

§9767. Emergency Preparedness

A. - J.2. ...

K. Inactivation of License due to Declared Disaster or Emergency

1. A licensed nursing facility in an area or areas which have been affected by an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed two years, provided that the following conditions are met:

a. - a.iii. ...

* * *

b. the licensed nursing facility resumes operating as a nursing facility in the same service area within two years of issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

i. A nursing facility may request one extension, not to exceed an additional six months for good cause shown by the facility. This request for an extension may be granted at the sole discretion of the department.

K.1.c. - M.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1905 (November 2016), amended LR 48:1290 (May 2022).

Dr. Courtney N. Phillips
Secretary

2205#050

RULE

Department of Health
Office of Public Health

Registration of Foods, Drugs, Cosmetics and
Prophylactic Devices (LAC 49:I.Chapter 5)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), has recodified parts of Chapter 5 of Title 49, Public Health—Food, Drugs and Cosmetics, and amended those rules to comply with the requirements of Act 336 of the 2021 Regular Legislature.

This Rule amends §501 and §§517-525 of Chapter 5 of Title 49, Public Health—Food, Drugs and Cosmetics, §§527-529 are recodified with new requirement language and the original §§529-531 are relocated to §§531-533. Changes to §501 amend existing definitions and add new definitions. Changes to §§517-533 reflect changes to the name of hemp-derived products regulated by the department as well as changes to the statutory requirements. This Rule is hereby adopted on the day of promulgation.

Title 49
PUBLIC HEALTH—FOOD, DRUGS, AND
COSMETICS

Part I. Regulations

Chapter 5. Registration of Foods, Drugs, Cosmetics
and Prophylactic Devices

§501. Definitions

[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Certificate of Consumable Hemp Product Registration (FD-8a)—certificate issued by the department attesting that consumable hemp products produced or distributed by the holder's company have been registered as required

* * *

Consumable Hemp Product—any product derived from industrial hemp that contains any naturally-occurring cannabinoid, including cannabidiol, and is intended for consumption or topical use. This special class of products includes, but is not limited to, the following: food, animal foods or feed, hemp flower, and pet products. No consumable hemp product may contain a total THC concentration in excess of one percent on a dry-weight basis.

Consumable Hemp Products Database—repository of information on products and firms that are registered with the Food and Drug/Milk and Dairy Unit of LDH/OPH that fall into the category of consumable hemp products.

* * *

Industrial Hemp—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

* * *

THC—a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021), amended by the Department of Health, Office of Public Health, LR 48:1290 (May 2022).

§517. Registration of Consumable Hemp Products

A. In accordance with the provisions of R.S. 3:1482 as promulgated by the 2021 legislature, manufacturers or distributors of consumable hemp products must register each separate and distinct product with the department-annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for a consumable hemp product registration must remit to (both initially and on or before July 1 of each year) the department the amount of \$50 per each separate and

distinct product. The initial application packet will consist of the required remittance in a form deemed acceptable by the department, a completed application form, specimen copies of each product label in paper or electronic form, and a list of products the firm intends to register with the department. If the packet meets these regulatory requirements and the other requirements described in these regulations, the department will issue to the applicant an FD-8a Certificate of Consumable Hemp Product Registration and the application information will be entered into the consumable hemp products database.

D. No person is authorized to distribute any consumable hemp products in the state of Louisiana unless that person has first obtained a certificate of consumable hemp product registration from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021), amended by the Department of Health, Office of Public Health, LR 48:1290 (May 2022).

§519. Consumable Hemp Products Labeling Requirements: Certificate of Analysis

A. Consumable hemp products must bear labeling that includes a scannable bar code, QR code, or a web address linked to a document or website containing the certificate of analysis for that product.

B. - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), amended by the Department of Health, Office of Public Health, LR 48:1291 (May 2022).

§523. Consumable Hemp Products Labeling Requirements: Medical Claims Prohibited

A. No product labeling or advertising material for any consumable hemp product sold or otherwise distributed in the state of Louisiana may bear any implicit or explicit medical claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 48:1291 (May 2022).

§525. Consumable Hemp Products Labeling Requirements: Dietary Supplements Prohibited

A. No consumable hemp product may be marketed as a dietary supplement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 48:1291 (May 2022).

§527. Consumable Hemp Products Labeling Requirements: Marketing for Inhalation Prohibited

A. No hemp flower consumable product may be marketed for inhalation purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1291 (May 2022).

§529. Consumable Hemp Products Packaging Requirements: Hemp Flower Packaging

A. Hemp flower consumable products for registration must be packaged in tamper-resistant packaging or with tamper-evident seals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:360 (March 2020), amended LR 47:480 (April 2021), LR 48:1291 (May 2022).

§531. Penalties for Violations of Requirements to Register Consumable Hemp Products [Formerly §529]

A. Any person who violates the provisions requiring registration of consumable hemp products is subject to the penalties provided for by the State Food, Drug, and Cosmetic Law (R.S. 40:601, et seq.) or other sanctions provided for by R.S. 3:1484.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:1291 (May 2022).

§533. Exemptions [Formerly §531]

A. Consumable hemp products that have been produced in accordance with R.S. 40:1046 or that are Food and Drug Administration (FDA)-approved pharmaceuticals are not subject to the requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 3:1482(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:480 (April 2021), LR 48:1291 (May 2022).

Dr. Courtney N. Phillips
Secretary

2205#042

RULE

**Department of Public Safety and Corrections
Corrections Services**

**Offender Incentive Pay and Other Wage Compensation
(LAC 22:1.331)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §331, Offender Incentive Pay and Other Wage Compensation.

Pursuant to R.S. 15:873, the Department of Public Safety and Corrections, Corrections Services, has adjusted incentive wage pay rates for offender tutors, mentors and facilitators on a graduating scale. These changes will establish the respective wages and make them uniform across all facilities. Also included in the amendment are minor language and punctuation changes. This Rule is hereby adopted on the day of promulgation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT
Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§331. Offender Incentive Pay and Other Wage Compensation

A. Purpose—this department regulation governs payment of incentive pay and other wage compensation to offenders.

B. Applicability—deputy secretary, undersecretary, chief of operations, director of prison enterprises, regional wardens and wardens. Each warden and the director of prison enterprises shall ensure appropriate facility written policies and procedures are in place to comply with the provisions of this department regulation.

C. Policy. Compensation shall be paid, in accordance with the provisions of this department regulation and the applicable and governing laws, to offenders who have performed satisfactory work in the job assignment in which they have been classified, except those offenders who opt to receive good time in lieu of incentive pay pursuant to R.S. 15:571.3.

D. Eligibility

1. An offender sentenced or resentenced or who is returning to the physical custody of the department on or after September 20, 2008 who is not eligible to earn good time at any rate shall serve three years from the date of reception prior to becoming eligible to earn incentive pay.

a. Grandfather Clause: Offenders Received at a Reception and Diagnostic Center Prior to September 20, 2008

i. The provisions of Paragraph D.1 above shall apply to offenders received at a reception and diagnostic center on or after September 20, 2008. Offenders received at a reception and diagnostic center prior to September 20, 2008 shall be subject to the waiting period previously in effect for this regulation. Offenders who are currently receiving incentive pay shall not be affected and shall continue to be eligible to receive incentive pay as they did on the effective date of this regulation, but shall be subject to the provisions of Subparagraph E.2.a as it applies to job changes.

b. Exception. Offenders participating in a certified apprenticeship program

i. Offenders in the physical custody of the department who are participating in a certified apprenticeship program shall not be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These offenders shall be eligible to earn incentive pay while participating in the certified apprenticeship program.

2. An offender sentenced or re-sentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is eligible to earn good time at any rate shall not be eligible to earn incentive pay.

a. Grandfather Clause: Offenders Earning Good Time Pursuant to Act 1099 of the 1995 Regular Session

i. Offenders currently earning good time at a rate of three days for every 17 days served pursuant to Act 1099 of the 1995 Regular Session who are also earning incentive

pay shall be allowed to continue to earn incentive pay at authorized rates.

E. Procedures

1. Pay Rules

a. 80 hours in a Two-Week Period

i. No offender shall earn incentive pay for more than 80 hours in a two-week period, unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution.

ii. Exception: Governor's Mansion

(a). Offenders assigned to job duties at the governor's mansion shall not be limited to 80 hours in a two week period.

b. Actual Hours Worked

i. Offenders who are eligible to earn incentive pay shall be paid only for actual hours worked in their job assignment. Offenders shall not be paid for time spent away from their job assignment due to circumstances such as holidays, callouts, duty status, weather, illness, etc.

c. Extra Duty Assignments

i. Incentive pay shall not be paid for extra duty assignments that are imposed as sanctions through the offender disciplinary process.

d. Forfeiture Due to Disciplinary Sanction

i. Any offender whose incentive pay is forfeited as a disciplinary sanction shall return to the "introductory pay level" of \$0.02 per hour for a six-month period if his eligibility to earn incentive pay is reinstated. At the end of the six-month period, the offender's pay shall be automatically adjusted to the lowest pay rate for the assigned job.

e. Professional Offender Job Classifications

i. Offenders who were previously incarcerated and working in a professional offender job classification who return to the physical custody of the department shall not be ensured placement in the previously worked professional offender job classification. Placing an offender in a previously worked professional offender job classification shall be at the discretion of the warden or designee.

ii. Once eligible to earn incentive pay, if a returning offender is placed in a previously worked professional offender job classification, the offender shall be paid at the lowest pay rate and shall earn any increases in pay rate by working his way up the pay scale as if he had not previously worked in the professional offender job classification.

iii. For the purpose of this regulation, a *professional offender job classification* is defined as a peer minister/tutor, mentor/tutor, American Sign Language interpreter, or counsel substitute.

f. Private Sector/Prison Industry Enhancement (PS/PIE) Programs or Work Release Programs

i. For the purpose of this regulation, wages earned from a private sector/ prison industry enhancement (PS/PIE) program or a work release program shall not be considered "incentive pay." Therefore, offenders employed in any of these programs are eligible to earn good time. The director of prison enterprises shall establish record-keeping procedures relating to wages earned by offenders employed in a PS/PIE program which shall include all mandatory deductions from offender wages, other deductions such as

child support or garnishment, and the distribution of net offender wages to offender banking.

2. Pay Rates

a. Once eligible to earn incentive pay, each offender shall initially be paid an “introductory pay level” of \$0.02 per hour for a period of six months. After six months, the offender shall be paid at the lowest pay rate that is commensurate with the job assignment he is placed in by the institution. In the event of a change in an offender’s job assignment or custody status, the offender’s rate of compensation shall automatically be adjusted to the lowest pay rate of the assigned job. If a change in job assignment is not for disciplinary reasons, the warden may approve the offender to be paid at the same rate as the previous job assignment and the rate of compensation shall not be automatically adjusted to the lowest pay rate of the new job assignment.

i. Grandfather Clause: Offenders Earning Incentive Pay Prior to Effective Date of this Regulation

(a). Offenders earning incentive pay at any rate, prior to the effective date of this regulation, shall continue to earn at these rates. If the offender is reassigned to a new job or vacates the job for any reason and it has been determined the rate of pay for the job that he is leaving should be lower, the next offender to fill that position shall receive the adjusted lower rate.

b. An offender may receive an increase in his/her hourly pay rate of no greater than \$0.04 per hour on an annual basis unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution, except as provided below in Subparagraphs E.2.f. - 1 of this Section.

c. A series of pay ranges and a standardized list of job titles shall be established by the director of prison enterprises and approved by the secretary or designee. The institutions shall be assigned limits on the total amount of incentive pay paid in certain pay ranges. These limits shall be derived on a percentage basis determined by the total hours worked by offenders who are eligible to earn incentive pay at each institution and shall be approved by the director of prison enterprises and the secretary or designee. Prison enterprises shall issue reports detailing each institution’s status with regard to their limits on a quarterly basis. Offender banking shall monitor the assigned limits to ensure that the institutions remain within their limits and report discrepancies to the chief of operations, the appropriate regional warden, the director of prison enterprises and the warden of the institution.

i. The regional wardens shall work closely with the director of prison enterprises to ensure that any institution that exceeds the established limits is brought back into compliance in an expeditious manner.

ii. Exception: Offenders in PE Job Titles

(a). Offenders who work in prison enterprises job titles shall not affect an institution’s pay range percentage limits.

d. All offenders classified in limited duty status and who are eligible to earn incentive pay shall earn at a rate of no more than \$0.04 per hour. This excludes offenders classified as regular duty with restrictions or those with a temporary limited duty status.

e. All offenders classified in working cellblocks and maximum custody field lines who are eligible to earn incentive pay shall earn at the rate of \$0.02 per hour.

f. All offenders assigned as students to educational or career and technical education programs who are eligible to earn incentive pay shall be paid at the rate of \$0.04 per hour.

i. Exception: Offenders in NOBTS

(a). Offenders enrolled in the New Orleans Baptist Theological Seminary program and its positive impact on the department, offenders enrolled in this program shall earn incentive pay at the following rates.

Freshmen:	\$0.14 per hour
Sophomores:	\$0.16 per hour
Juniors:	\$0.18 per hour
Seniors:	\$0.20 per hour.

ii. Upon completion of any educational or career and technical education program, the offender may, upon request and at the discretion of the warden and based upon availability, return to the same job at the same rate of pay he held prior to enrollment in the program.

g. Offenders assigned to prison enterprises industrial, agricultural service or other prison enterprises jobs may be compensated at a rate up to \$0.40 per hour, pursuant to 2009 La. Acts No. 85 § 1 (R.S. 15:873). The pay range for prison enterprises jobs shall be established by the director of prison enterprises and approved by the secretary or designee.

h. Tutors shall earn incentive pay at the following rates.

Registered Academic Tutor	\$0.25 per hour	Registered CTE Tutor	\$0.25 per hour
Certified Academic Tutor	\$0.65 per hour	Certified CTE Tutor	\$0.65 per hour
Certified College Tutor	\$0.75 per hour	Lead Certified CTE Tutor	\$0.75 per hour

i. Registered Tutors may earn \$0.25 per hour during the first 12 months after registration and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.50 per hour. Certified Tutors may earn \$0.65 per hour during the first 12 months after certification and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour.

i. Offenders who have completed the department’s American Sign Language course shall earn incentive pay at the following rates.

BEI III or BEI Basic	\$0.70 per hour
BEI IV or BEI Advanced OR RID NIC	\$0.80 per hour
BEI V or BEI Master	\$0.90 per hour May be increased to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.

j. Offenders working as mentors shall earn incentive pay at the following rates.

Mentor:	\$0.50 per hour
Certified Mentor:	\$0.65 per hour
Lead Certified Mentor:	\$0.75 per hour

i. Mentors may earn \$0.50 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.65 per hour. Certified Mentors may earn \$0.65 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.75 per hour. Lead certified mentors may earn \$0.75 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00.

k. Offenders who are assigned to work as counsel substitutes shall be paid in accordance with their education and years of legal experience. Incentive pay shall be earned at the following rates.

Legal Worker 1	\$0.25 per hour Must be enrolled in paralegal classes OR have less than five years legal work experience.
Legal Worker 2	\$0.50 per hour Must have attained paralegal certificate or paralegal degree and have less than three years legal work experience OR have five years legal work experience and no paralegal certificate or paralegal degree.
Legal Worker 3	\$0.80 per hour Must have attained paralegal certificate or paralegal degree and have a minimum of three years legal work experience OR have ten years legal work experience and no paralegal certificate or paralegal degree.
Counsel Substitutes	May receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.

l. Offenders working as facilitators shall earn incentive pay at the following rates:

Facilitator	\$0.20 per hour
-------------	-----------------

a. Facilitators may earn \$0.20 per hour during the first 12 months in this position and may receive an annual increase of \$0.05 per hour, up to a maximum of \$0.40 per hour.

F. Sources of Funding

1. Pursuant to R.S. 15:873, offender compensation may be paid from the following sources:

a. offenders assigned to any state agency that operates from self-generated revenues shall be paid from those self-generated revenues; or

b. The division of prison enterprises.

2. Pursuant to R.S. 15:873, offenders who are employed in a certified PS/PIE program shall be paid by one of the following, in accordance with the PS/PIE program's operational model and the terms of the employment agreement:

- a. the private business that employs the offender; or
- b. the Division of Prison Enterprises.

3. Offenders who are participating in a transitional work program shall be paid by the private business that employs them, in accordance with the terms of the employment agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1927 (September 2008), amended LR 36:531 (March 2010), LR 38:1253 (May 2012), LR 40:2600 (December 2014), LR 41: 1307 (July 2015), LR 45:69 (January 2019), LR 48:1292 (May 2022).

James M. Le Blanc
Secretary

2205#007

RULE

**Department of Revenue
Policy Services Division**

Income: Withholding Tax (LAC 61:I.1515)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and Act 285 of the 2021 Regular Session of the Louisiana Legislature, and R.S. 47:114, 114.1, 1511, 1520(A)(2) the Department of Revenue, Policy Services Division, ("the Department"), has amended LAC 61:I.1515. Louisiana Revised Statute 1520(A)(2) authorizes the Secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The purpose of this regulation is to amend the rule on Mandatory Electronic Filing of Tax Returns to conform to the return reporting requirements set forth under Louisiana Revised Statute 47:114.1 as authorized by Act 285 of the 2021 Regular Session of the Louisiana Legislature. Specifically, this proposed amendment requires service recipients who file 50 or more Federal Form 1099-NEC to file such forms electronically using the electronic format prescribed by the department. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 15. Income: Withholding Tax

**§1515. Withholding Tax Statements and Returns–
Electronic Filing Requirements**

A. - C. ...

a. Service recipients that file 50 or more Federal Form 1099-NECs due on or after January 1, 2022, are required to electronically file Federal Form 1099-NECs using the electronic format prescribed by the department.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:114, R.S. 47:287.614, R.S. 47:609, R.S. 47:1511 and R.S. 47:1520(A)(2).

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:1489 (June 2002), amended LR 35:2204 (October 2009), LR 38:2382 (September 2012), amended LR44:1638 (September 2018), amended by the Department of Revenue, Policy Services Division, LR 48:1294 (May 2022).

Kevin Richard
Secretary

2205#035

RULE

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

**Recreational Offshore Landing Permit
(LAC 76:VII.377)**

The Wildlife and Fisheries Commission has amended a rule (LAC 76:VII.377) by modifying the minimum age requirement for a Recreational Offshore Landing Permit from 16 to 18. This Rule is amended to maintain consistency as a result of Legislative action that adjusted the minimum age requirement for a saltwater fishing license from 16 to 18. The rule modification further adds gray triggerfish to the list of species that require a Recreational Offshore Landing Permit. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(34) to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§377. Recreational Offshore Landing Permit

A. Any person, except those persons under the age of 18 that are not normally required to obtain a license for saltwater fishing privileges, possessing any one of the following fish species or species groups on board a vessel taken from within or without Louisiana territorial waters shall be required to have obtained and have in their immediate possession a recreational offshore landing permit. Any person on a trip aboard a charter vessel, who pays a fee for that trip, is not required to have this permit, but the permit is required for the captain of that charter vessel. The

recreational offshore landing permit shall be available for inspection by a duly authorized agent of the department:

1. highly migratory species:
 - a. tunas—bluefin, albacore, yellowfin, skipjack, bigeye, blackfin;
 - b. billfish—blue marlin, white marlin, sailfish and longbill spearfish;
 - c. swordfish;
2. reef fish species:
 - a. any species of snapper;
 - b. any species of amberjack;
 - c. any species of grouper or hind;
 - d. gray triggerfish;
3. pelagics:
 - a. any species of dolphinfish;
 - b. cobia;
 - c. wahoo.

B. Permits may be obtained at no cost, from the Department of Wildlife and Fisheries, or authorized method, by persons who hold any valid license authorizing the taking and possessing of saltwater species of fish. Permits shall be valid for the same duration as the annual license authorizing saltwater fishing privileges. For those licenses that do not have to be renewed every year, the permit must be renewed annually, and shall be valid for the same time period as annual licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(34).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:3249 (December 2012), amended LR 40:94 (January 2014), LR 41:761 (April 2015), LR 48:1295 (May 2022).

Jerri G. Smitko
Chair

2205#005

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

Prescribed Burner Certification (LAC 7:XXXIX.907 and 909)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:17, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Forestry, intends to amend LAC 7:XXXIX.907-909 relative to the certification of prescribed burners to clarify the requirements for obtaining said certification and for renewing the same. The Louisiana Department of Agriculture and Forestry intends to amend LAC 7:XXXIX.907 and 909 to clarify the requirements for obtaining a prescribed burner certification and for renewing the same. The amendments remove the requirement that the department offer workshops for the certification of prescribed burners, changing the language from a mandate that the department do so, to a permissive statement that the department "may" offer such workshops. This reflects the reality that applicants for certification attend workshops offered by third parties, rather than by the department. The department has not offered workshops in recent years. The amendments also change the requirement that applicants submit an affidavit attesting to certain application prerequisites to merely a signed statement attesting to the same, thereby eliminating the requirements for applicants to have the statement notarized. The amendments also add the requirement that applicants must complete all requirements for certification within five years of submitting their prescribed burner certification application and further provide that failure to complete all requirement within the five year period shall result in the revocation of the applicant's certified prescribed burner application, after which all program requirements must be repeated in order to be considered for certification.

The amendments add provisions for the renewal of the prescribed burner certification, requiring certified burners to renew their certification every five years by completing a refresher course and producing proof their attendance via a submission of a certificate of completion or, if no certificate of completion is available, a signed statement attesting to their attendance. The amendments provide that the failure to complete a certified prescribed burner refresher course and submit proof thereof every five years shall result in the revocation of prescribed burner certification and all program requirements must be repeated in order to regain certification.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 9. Prescribed Burning

§907. Prescribed Burner Certification; Prerequisites and Training

A. The department may offer workshops for the certification of prescribed burners.

B. The department shall certify qualified individuals as certified burners who meet the following requirements:

1. complete a university-sponsored prescribed-burn continuing education course or other program approved by the department;

2. attend a certification workshop conducted or approved by the department;

3. score a passing grade on a certification test administered or approved by the department;

4. participate in a minimum of five prescribed burns as the person in charge of the execution of the burns;

5. submit a completed application on a form provided by the department; and

6. submit a signed statement indicating that:

a. the applicant has participated in a minimum of five prescribed burns as the person in charge of the execution of those burns; and

b. the applicant has completed a university-sponsored prescribed-burn continuing education course or other program approved by the department.

C. Applicants seeking certification shall have five years from the completion of the prescribed burning course to complete all other requirements for certification under the Louisiana Certified Prescribed Burner Program:

1. the required signed statement must be received by the department by December 31st of the fifth year following the applicant's final test date; and

2. any applicant who fails to complete all requirements within the five-year period shall have their application voided. Cancelled applicants shall have to repeat all program requirements in order to be considered for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:

§909. Renewal of Prescribed Burner Certification

A. In order to maintain a valid certification, all certified prescribed burners shall renew their certification every five years.

B. A certified prescribed burner shall renew their certification by:

1. completing a certified prescribed burner refresher course every five years, prior to the end of each fifth year following certification; and

2. producing proof of completion of the course to the department, prior to the end of each fifth year following certification.

a. Proof of completion may consist of a certificate of completion or, if no certificate is provided by the course, submission of a signed statement attesting to attendance, including course name, date(s) attended, and provider of the course.

C. Failure to complete a certified prescribed burner refresher course and to provide proof of attendance prior to the end of each fifth year following certification shall result in the revocation of the prescribed burner certification and all program requirements must be repeated in order to regain certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 48:

Family Impact Statement

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

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

Poverty Impact Statement

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

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

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Wade Dubea, Assistant Commissioner for Forestry, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on June 10, 2022. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prescribed Burner Certification

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

The proposed rule changes will have no associated costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF) other than the cost of rule promulgation in FY 22, which is normally included in the department's annual operating budget. The Department intends to amend LAC 7:XXXIX.907 and 909 to clarify the requirements for obtaining a prescribed burner certification and for renewing the same. The proposed rule changes will have no associated costs or savings to local governmental units.

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

The proposed rules are not anticipated to have any effect on revenue collections for state or local governmental entities.

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

There are no anticipated additional costs or economic benefits to affected small businesses, or non-governmental groups as a result of the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to impact competition and employment.

Dane Morgan
Assistant Commissioner
2205#039

Evan Brousseau
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

BESE/8(g) Operations—Advisory Councils
(LAC 28:I.503 and 505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:I, BESE/8(g) Operations. The revisions codify the MFP Task Force and provide for the

membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

**Title 28
EDUCATION**

**Part I. BESE/8(g) Operations
Subpart 1. Board of Elementary
and Secondary Education**

Chapter 5. Organization

§503. Advisory Councils

A. ...

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the number of persons to be appointed by the board; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of terms.

C. - C.3.ii. ...

D. Officers. Unless otherwise provided by state or federal law or board policy, each advisory council shall select from among its membership in attendance a chair and a vice-chair. Elections shall be held annually at the first meeting in a fiscal year, and the councils shall report election results to the board.

E. Membership

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of their recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority. A council member may be removed without cause by the board member recommending the appointment, by the board member's successor, or by the recommending agency at any time. Appointees must maintain employment/qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of his/her term. Appointments to fill vacancies shall be considered interim appointments.

3. Expenses. Members of advisory councils may be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Quorum. Unless otherwise provided, a quorum is a majority of the appointed membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum being present. When it is known beforehand that a quorum is unlikely, the council chair shall be so notified and the meeting shall be canceled.

5. Action/Quorum. Official council action requires that any matter be submitted to the council by motion duly seconded. The chair states the motion and calls for discussion, after which the council may act on such matter following repetition of the motion by the chair. All official action of the council shall require the favorable vote of a majority of the total appointed membership (i.e. quorum). Proxies cannot be included for the purpose of establishing a quorum.

6. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as that member's proxy if the appointing authority does not object. To receive reimbursement for travel and other expenses, a proxy must be properly designated by the active member and recorded in the minutes as being present. If the proxy is representing an advisory council member who is prohibited by board policy from receiving reimbursement for travel expenses, the proxy is likewise prohibited from receiving reimbursement. Proxies do not retain voting privileges.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded for the record. A roll call vote must be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last in order or not voting. Proxies do not retain voting privileges

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the executive director one week prior to the meeting and a proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and his/her seat declared vacant if he/she is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency he/she was appointed to represent, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The notification should include:

- i. name of the council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

F. Meetings

1. Each advisory council shall meet as scheduled in order to consider referrals from the board or the LDE.

Special meetings shall be by call of the board, and emergency meetings may be called at the discretion of the executive director.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director or the executive director's designee.

3. Agendas of council meetings shall be distributed to council members by the board staff at least 7 days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11 et seq.). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. In all particulars, except for those listed in these rules and procedures, the business in advisory councils shall be conducted according to *Robert's Rules of Order*.

6. Every motion passed by an advisory council, whether or not made as a recommendation, shall be made as a main motion and must be seconded. All motions must be voted on and roll call votes may be requested by any of the membership in attendance at a meeting.

a. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

7. The minutes and reports of each advisory council shall be presented to the board's executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory council, shall report its recommendations to the board for final action.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:1444 (October 2019), LR 48:412 (March 2022); LR 48:

§505. Special Advisory Councils/Task Forces/Commissions/Study Groups

A. Special advisory groups may be created by the board with a limited charge and scope to study a specific topic as referred by the board. Such groups shall adhere to all advisory council officers, membership, and meetings policies, as described for BESE Advisory Councils. The following are created:

1. MFP Task Force. The Task Force will be convened upon, annually and/or as needed, by the BESE chair of the

Administration and Finance Committee and BESE President in order to advise BESE in the development of the MFP formula as it applies to the distribution of funding of public schools.

a. authority—per BESE policy;

b. membership—28 members consisting of the following:

i. six ex-officio representatives as follows: AF committee chair (serves as task force chair), two AF committee members, state superintendent of education, member of the house, member of the senate;

ii. four designated (non-voting) representatives as follows: nonpublic school council representative, Louisiana Association of Special Education Administrators, Teachers Retirement System of Louisiana, Louisiana School Employees' Retirement System;

iii. eleven designated representatives as follows: governor's representative, Louisiana School Boards Association, Associated Professional Educators of Louisiana, Louisiana Association of Educators, Louisiana Federation of Teachers, Council for a Better Louisiana, Louisiana Association of Business and Industry, Public Affairs Research Council of Louisiana, Louisiana Association of School Business Officials, Stand for Children, Early Childhood Advisory Council representative; and

iv. seven BESE appointments as follows: superintendent (large district), superintendent (small district), charter schools representative, principal representative, K12 public school classroom teacher, public school parent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended,

or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: BESE/8(g) Operations

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the MFP Task Force, an existing advisory group, to

facilitate development of standard operating procedures that will promote efficiency and clarity.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#021

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

BESE/8(g) Operations—Student Transfer Appeals (LAC 28:I.1313 and 1315)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:I, BESE/8(g) Operations. The revisions codify procedures for compliance with Act 420, R.S. 17:4035.1 of the 2021 Regular Legislative Session. This statute requires each local education agency (LEA) to adopt a policy governing student transfers, post such policy on the LEA website, and to annually report compliance to the LDE Office of School System Relations. Further, this statute requires BESE to consider appeal requests from student transfer request denials. The revisions promulgate rules regarding the process and procedures for submitting an appeal to BESE.

Title 28

EDUCATION

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 13. Regulatory Documents

Subchapter C. Student Transfer Appeals

§1313. Local Education Agency (LEA) Student Transfer Appeals

A. In accordance with R.S. 17:4035.1, if an LEA denies the student enrollment request of a prospective student for an intradistrict transfer, the parent or legal custodian of the student may request that BESE review the denied transfer request.

B. Requests for appeal shall be submitted by the parent or legal guardian, by certified, and addressed to:

Board of Elementary and Secondary Education
Attn: Operating Manager
P.O. Box 94064, Capital Station
Baton Rouge, LA 70804

C. A copy of the form to request an appeal can be obtained:

1. from BESE's website;

2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. Forms will be accepted annually, beginning April 1 and no later than July 31, unless the LEA transfer period extends beyond the deadline established in statute, and shall be accompanied by a copy of the LEA student transfer denial letter.

E. BESE will not consider a student transfer appeal in the following instances:

1. the student transfer request would result in the school or classroom exceeding enrollment capacity;
2. the student transfer request is submitted outside of the deadlines, outlined by the LEA policy regarding student transfer;
3. the student transfer request is not eligible based on the LEA transfer policy; or
4. the student transfer request violates the order of a court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1315. Processing a Student Transfer Form

A. Upon receipt, the LEA student transfer request shall be reviewed for completeness. If found complete, the BESE agency will immediately forward a letter of acknowledgment and the appeal shall be processed in accordance with this Section.

B. Within 90 days of receipt of the student transfer appeal request, the executive director, after consulting with the board's officers, shall review and evaluate the request to determine if the original LEA transfer request was processed in accordance with school and/or district policy, as well as determine a recommendation for consideration of the board at the next scheduled meeting of BESE.

C. In the event that the executive director, after consulting with the board officers, can process the transfer request administratively, a report will be provided to the board at the next scheduled meeting.

D. BESE shall notify the petitioner in writing, stating the reason(s) for the denial,

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the

BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: BESE/8(g) Operations**

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

The proposed revisions may result in increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process requests for review. However, this will vary depending on the number of parents requesting review of a transfer denial. If transfer request denials are few enough in number, BESE will likely be able to incorporate the increased workload with existing staff and resources. However, if the number of requests is significant, BESE will need to add one position to process reviews for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits), as well as ancillary operating costs.

The proposed revisions codify the procedure for submission of an appeal for BESE consideration regarding a student transfer request denial from an LEA. These revisions are in response to Act 420 of the 2021 Regular Legislative Session.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#022

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 106—Agriculture Education Content Standards Curriculum Framework—Advisory Councils (LAC 28:LXV.109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXV in *Bulletin 106—Agriculture Education Content Standards Curriculum Framework*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:185, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an

effort to codify all BESE advisory councils in policy to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

**Title 28
EDUCATION**

Part LXV. Bulletin 106—Agriculture Education Content Standards Curriculum Framework

Chapter 1. General

§109. Agricultural Education Commission

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Agricultural Education Commission (AEC) Established

1. Authority per R.S. 17:185.4 and BESE policy.

2. Function and Responsibilities

a. Program Evaluation. Assist the state superintendent of education in the ongoing evaluation of agricultural education programs in elementary and secondary schools.

b. State Plan Review. Review the state action plan for agricultural education and provide recommendations to BESE regarding revisions to policy or curricula necessary for state agricultural education programs and initiatives to remain responsive to the needs of students and the agricultural community.

c. Delivery System. Continually review the state agricultural education delivery system to provide guidance and recommendations to the LDE regarding content standards, curricula, agriculture focused IBCs, educator professional development, and strategies to promote agricultural literacy and student awareness of educational and career opportunities in agricultural fields.

d. Facilitate the development of partnerships and collaboration with agriculture-based industries and stakeholders.

e. Provide guidance and support toward the development and establishment of agriculture immersion programs in elementary and secondary schools that allow students to master an understanding of the importance of agriculture, related fields, and occupations to the state, nation, and world.

3. The membership of the AEC shall consist of 17 ex-officio representatives from K-12 and postsecondary

education, state agencies, and organizations related to agriculture and agriculture education, or a designee, as follows:

- a. state superintendent of education;
- b. commissioner of higher education;
- c. Louisiana Community and Technical College System, president;
- d. LSU College of Agriculture, vice-president;
- e. Southern University Agricultural Center, chancellor;
- f. Louisiana Cooperative Extension Service, director;
- g. Louisiana Department of Agriculture and Forestry, commissioner;
- h. Louisiana Agriscience Teachers Association, president;
- i. Louisiana FFA, president;
- j. Louisiana FFA, state executive director;
- k. Louisiana 4-H Foundation, chairman of the board of trustees;
- l. Louisiana Farm Bureau Federation, president;
- m. Louisiana Department of Economic Development, secretary;
- n. Louisiana Workforce Commission, secretary;
- o. Louisiana Association of Business and Industry, president;
- p. Louisiana Association of Educators, president;
- q. Louisiana Federation of Teachers, president.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed to the commission shall serve at the pleasure of the recommending authority. A commission member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.

3. Expenses. Members shall not be entitled to reimbursement for travel expenses.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as the member proxy, contingent upon the consent of the appointing authority, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. Action/Quorum. Official commission action requires that matters submitted by motion are duly seconded.

The chair states the motion and calls for discussion and public comment. All official actions of the group shall require the favorable vote of a simple majority of the members present. Proxies are not included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A commission member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the commission chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of commission member and commission on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The AEC shall have one chairperson and one vice-chair annually nominated and voted upon by the membership at the first convening meeting of the fiscal year.

2. The appointed chair shall preside at all meetings of the AEC, shall perform such duties as may be required by the commission, and shall be a voting member. The vice-chair shall serve in the absence of the chair.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled to convene one year in advance and shall be determined by the executive director, LDE, or a designee of either. The commission shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled commission meetings shall be distributed to the members by the LDE staff at least seven calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward

to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 106—Agriculture Education Content Standards Curriculum Framework

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the Agricultural Education Commission, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#012

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State
Accountability System—Advisory Councils
(LAC 28:XI.103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions codify the Accountability Council and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District and State Accountability System

Chapter 1. General Provisions

§103. Accountability Council (formerly Accountability Commission)

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons,

organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Accountability Advisory Council (Formerly the Accountability Commission) established:

- 1. authority-per BESE policy;
- 2. referrals and responsibilities:

a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;

b. consider all matters referred by the board or the LDE; and

c. function as follows:

i. serve as the state Committee of Practitioners to conform to requirements in Title I of the Elementary and Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final State rule or regulation pursuant to Title 1;

ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and

iii. advise the LDE on policy development of the state, district, and school accountability system;

d. the majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows:

i. BESE appointments:

(a). educator, nominated by BESE president;

(b). BESE member, nominated by BESE President;

(c). LEA Administrator, appointed by BESE from list provided by State Superintendent of Education;

(d). nonpublic school representative, nominated by BESE President;

(e). local educational agency representative, appointed by BESE from list provided by State Superintendent of Education;

(f). parent, nominated by BESE president;

(g). postsecondary education representative, appointed by BESE from list provided by State Superintendent of Education;

(h). school board member, nominated by BESE president;

(i). community representative, nominated by BESE president;

(j). community representative, nominated by BESE president;

ii. state superintendent of education appointments:

(a). educator;

(b). LEA administrator;

(c). charter school representative;

(d). district superintendent;

(e). pupil appraisal representative;

(f). principal representative;

iii. association nominations:

(a). Associated Professional Educators of Louisiana Representative, nominated by association leadership;

(b). Louisiana Association of Educators Representative, nominated by association leadership;

(c). Louisiana Federation of Teachers Representative, nominated by association leadership.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced. In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may serve as an interim member until a replacement is recommended or approved by the appointing authority and subsequently ratified by the board.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term.

3. Expenses. Members shall be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, if the appointing authority does not object, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present. Proxies cannot be included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the

council chair or the executive director one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

i. name of council member and council on which serving;

ii. date of the meeting; and

iii. board policy on attendance.

E. Chair

1. The AAC shall have one chairperson appointed by the state superintendent of education and ratified by the board.

2. The appointed chair shall preside at all meetings of the ACC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the executive director, LDE, or a designee of either.

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the board staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation. Meeting cancellation shall be posted on the BESE website.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee,

after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered

and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the Accountability Council, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#013

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Advisory Councils
(LAC 28:CLXVII.1101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:407.51, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

Title 28 EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 11. Early Childhood Care and Education Advisory Council

§1101. Early Childhood Care and Education Advisory Council

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of its policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of the advisory council are determined by the establishing law or policy. The advisory council deals exclusively with matters referred by the board or the LDE. Matters referred to advisory councils require external input regarding funding decisions, policy matters that need to be reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

1. The council shall provide input and guidance to the board and the LDE on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards for publicly-funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, the Child Care Assistance Program, Early Head Start, and Head Start.

2. Prior to board consideration of any rule or standard regarding early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, or the Child Care Assistance Program, the department shall consult with and provide a draft of the proposed rules to the council, and provide an opportunity for the council to make recommendations.

3. Prior to submission to the United States Department of Health and Human Services, LDE shall consult and provide a draft of the state plan for the Child Care and Development Fund and budget, and any amendments to the state plan including budget revisions, and provide an opportunity for the council to make recommendations. Recommendations made by the council shall be submitted to BESE.

4. The council shall produce required quarterly and annual reports.

B. Composition. The council shall consist of no fewer than seventeen voting members as follows:

1. two representatives of Type III early learning centers, selected by the state superintendent of education;

2. one representative of a Type II early learning center, selected by the state superintendent of education.

3. one representative of a Type I early learning center; selected by state superintendent of education;

4. two representatives of Head Start programs, one of which shall be operated by a local education agency and selected by BESE, and one of which shall be operated by a nonlocal education agency and selected by the state superintendent of education from a list of three persons nominated by the Louisiana Head Start Association.

5. two representatives of local education agencies operating publicly funded early childhood programs other than Head Start, selected by BESE;

6. two representatives of Louisiana nonprofit advocacy organizations having a focus on early childhood education, selected by the state superintendent;

7. two representatives of approved nonpublic schools with publicly funded early childhood care and education programs, selected by BESE;

8. one professional or faculty member having child development or early childhood education expertise from a Louisiana post-secondary education institution, selected by the commissioner of higher education;

9. the president of the Louisiana Chapter of the American Academy of Pediatrics, or designee;

10. one representative of an advocacy or service organization that focuses on serving children with disabilities, selected by the state superintendent of education;

11. one representative of a Louisiana business or community organization, selected by BESE;

12. one parent of a child currently enrolled in a publicly-funded early learning center or prekindergarten program, selected by BESE.

C. The council shall include an additional 13 nonvoting ex-officio members, or designee, who may advise and contribute to discussions pertaining to early childhood care and education, including but not limited to the following:

1. the chairpersons of the House Committee on Education, Senate Committee on Education, House Committee on Health and Welfare, and Senate Committee on Health and Welfare;

2. the secretary of the Department of Children and Family Services;

3. the state director of the Louisiana State Head Start Collaboration Project;

4. a representative of the state agency responsible for programs under Section 619 or Part C of the Individuals with Disabilities Education Act (20 25 U.S.C. 1419, 1431 et seq.);

5. the director of the Maternal and Child Health Program at the Department of Health and Hospitals;

6. the director of the Child and Adult Care Food Program at the LDE;

7. the Louisiana State Fire Marshal;

8. a representative from the office of sanitarian services at the Department of Health and Hospitals.

9. a representative from the Louisiana Workforce Commission;

10. a representative from the Louisiana State Police Bureau of Criminal Identification and Information.

D. General Council Membership Information

1. Terms. Members shall serve a term of three years at the pleasure of the appointing authority. Persons appointed by organizations and agencies other than BESE shall be ratified by the board. A council member may be removed without cause by the recommending agency at any time. Appointees must maintain employment and qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. A current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by BESE.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the term. Appointments to fill vacancies shall be considered interim appointments. Interim appointments shall be made by the superintendent of education or the BESE president. At the conclusion of a membership term, LDE and BESE shall publish a request for applications and select nominees for the subsequent term from the pool of applicants.

3. Expenses. Council members shall not receive compensation or a per diem for services or attendance at council meetings.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, contingent upon consent of the appointing authority, and shall notify the council chair and the LDE council liaison.

5. Quorum. A quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum. When it is known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled. Proxies cannot be included for the purpose of establishing a quorum.

6. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE council liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and his/her seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency appointed to represent, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The notification should include:

i. name of the council member and council on which serving;

ii. date of the meeting; and

iii. board policy on attendance.

E. Chair

1. The council shall have one chair and one vice-chair annually elected by the voting members of the council at the first convening meeting of the fiscal year.

2. The chair shall preside at all meetings of the council and perform such duties as may be required by the council. The elected vice-chair shall serve in the absence of the chair and perform other duties as assigned by the chair.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by call of the board, and emergency meetings may be called at the discretion of the LDE council liaison.

2. Regular meeting dates shall be scheduled one year in advance and shall be determined by the LDE council liaison.

3. Agendas of council meetings shall be distributed to council members by the LDE council liaison at least seven days in advance of a meeting. All council meetings shall be conducted in accordance with the Louisiana open meetings law R.S. 42:11 et seq.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon, and roll call votes may be

requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee. A committee, after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:407.51

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 140—Louisiana Early Childhood Care and Education Network

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the Early Childhood Care and Education Advisory Council, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#014

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Ready Start Network (LAC 28:CLXVII.309, 310, and 311)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of *Bulletin 140* and ensure their existence, beyond that of limited initiative, by solidifying these networks and the associated responsibilities as necessary components of Louisiana’s early childhood care and education system.

**Title 28
EDUCATION**

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 3. Early Childhood Care and Education Network

§309. Community Network Lead Agency

A. A community network lead agency is either a state agency, a local public school system, or a non-profit having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, that is approved by BESE and that:

1. serves as the fiscal agent of the community network;
2. coordinates the duties and responsibilities of the community network; and
3. acts as the liaison between the community network and the department.

B. - G.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2583 (December 2015), amended LR 48:

§310. Ready Start Network Lead Agency

A. A Ready Start Network lead agency is either a state agency, a local public school system, or a non-profit having

an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, which is approved by BESE and that:

1. carries out the duties and responsibilities of the Ready Start Network;
2. acts as the liaison between the Ready Start Network and the department; and
3. is responsible for coordinating with the fiscal agent.

B. Duties and Responsibilities

1. The Ready Start Network lead agency shall be responsible for:

a. working with designated community network lead agencies in meeting the requirements of §307.B.1. Any such agreements will be memorialized in an MOU;

b. developing a coalition of local stakeholders that shall include representation from the community network and shall seek to include representation from partners such as parents, local government, non-profits, businesses, research and education entities, faith-based organizations, and/or philanthropic entities. A list of coalition members shall be submitted to the department annually;

c. establishing a Ready Start Network advisory council that advises the Ready Start Network lead agency, assists in establishment of by-laws and meeting protocols, and collaborates to develop and maintain a blueprint, which is a strategic document outlining the community network’s current state, mission, vision, and goals. A list of the advisory council members and the blueprint shall be submitted to the department annually;

d. creating, maintaining, and updating a funding plan, which is a document that identifies the Ready Start Network’s current funding sources and outlines the Ready Start Network’s plans for seeking additional funding to support early care and education initiatives implemented at the local level. The funding plan shall be submitted to the department annually.

C. Selection and Approval

1. Ready Start Network lead agencies shall be approved by BESE.

2. The department shall identify potential Ready Start Network lead agencies through a competitive process and submit them to BESE for approval.

3. Applicants for Ready Start Network lead agency shall seek support from publicly-funded programs within its designated community network by obtaining signatures and submitting them to the department in the competitive process.

4. By June 30 of each year, the department shall recommend the identified Ready Start Network lead agencies to BESE for approval.

5. If BESE has not approved a lead agency for a particular Ready Start Network by July 1, that lead agency shall not be considered a Ready Start Network.

6. Ready Start Network lead agencies approved by BESE shall serve for the fiscal year beginning July 1 and ending June 30.

7. Ready Start Network lead agencies adhere to a renewal process with the department every two years.

D. Contracts

1. Ready Start Network lead agencies approved by BESE shall enter into a Ready Start Network lead agency agreement with the department.

2. The Ready Start Network lead agency may enter into a contract or agreement with an individual or entity for performance of specific tasks within the duties and responsibilities of the Ready Start Network lead agency, but the Ready Start Network lead agency remains responsible for satisfactory completion of the tasks.

E. Funding

1. Subject to available funding, the department will make recommendations to BESE for annual funding of Ready Start Network lead agencies to carry out the responsibilities included in §310.

a. Ready Start Network lead agencies shall be notified of the total Ready Start Network funding for the following fiscal year by June 30.

b. Ready Start Network lead agencies shall use funding solely to fulfill the duties and responsibilities specific to the Ready Start Network lead agency as provided in this bulletin.

F. Audit

1. BESE may request a financial audit of the Ready Start Network lead agency's use of funds allocated to it.

2. Audits shall be at the department's expense.

3. If a Ready Start Network lead agency improperly uses its allocated funds, the Ready Start Network lead agency may be required to repay the improperly used amount.

G. Termination of Ready Start Network Lead Agency Approval

1. If a Ready Start Network lead agency fails to satisfactorily and timely comply with the duties and responsibilities contained in this bulletin or with any additional duties and responsibilities established in writing during the competitive process, the department shall notify the Ready Start Network lead agency, and all publicly-funded programs within the community network, in writing and specify any corrective actions that may be required.

2. Within 30 calendar days of receiving such notice, the Ready Start Network lead agency shall submit in writing to the department certification that the corrective actions have been taken or are in the process of being taken and submit a timely implementation schedule for department approval.

3. If the Ready Start Network lead agency does not respond in writing in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, either or both of the following actions may occur.

a. The department may withhold Ready Start Network funds from the Ready Start Network lead agency for any Ready Start Network work not yet performed.

b. The department may make a recommendation to BESE that the status of the Ready Start Network lead agency be terminated.

4. The department shall notify all publicly-funded programs in a Ready Start Network of any change in that Ready Start Network lead agency's status.

5. If a Ready Start Network lead agency's approval is terminated:

a. the entity shall be ineligible to serve as lead agency for the Ready Start Network from which its approval was terminated for a minimum period of 24 months;

b. if the entity serves as lead agency for more than one Ready Start Network, the entity may continue to serve as lead agency for any Ready Start Network for which approval has not been terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:407.23 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§311. Complaints

A. Any program or individual may submit a written complaint to the department regarding the action or inaction of the lead agency in its community network or Ready Start Network.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 140—Louisiana Early Childhood Care and Education Network**

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

There may be increased state costs to provide funding to Ready Start Networks once existing federal funding is depleted; however, the point in time this may occur and costs are indeterminable. Additional state and federal funding will be sought to fund these networks. If additional funding cannot be secured, then funding allocations to Ready Start Networks may instead need to be reduced.

The proposed revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of Bulletin 140 and ensure their existence, beyond that of limited initiative, by solidifying these networks and the

associated responsibilities as necessary components of Louisiana's early childhood care and education system.

Ready Start Networks are currently funded through a combination of Preschool Development Grant (PDG) grant funds, Child Care and Development Fund (CCDF) funds, and stimulus funds. The 37 current Ready Start Networks each receive \$100,000 annually as part of the pilot program. Over the course of the next fiscal year, as PDG funding runs out, additional funding in CCDF will be sought, with the possibility of seeking state general funding for Ready Start Network Allocations. It may also be necessary to reduce the funding allocated to Ready Start Networks.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Ready Start Networks work to expand access to high-quality childcare options within community networks. Greater access to childcare will benefit employers and employees of local businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in increased access to high quality childcare options within community networks. This may lead to increased job opportunities in childcare.

Beth Scioneaux
Deputy Superintendent
2205#015

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Advisory Councils
(LAC 28: CXV.1319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:253, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 13. Discipline

§1319. Advisory Council on Student Behavior and Discipline

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing

statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Advisory Council on Student Behavior and Discipline (ACSBSD) Established

1. Authority per R.S. 17:253 and BESE policy.

2. Function and Responsibilities

a. Provide guidance and recommendations to BESE and LDE regarding best practices in providing support to public school local governing agencies (LEA) in the adoption and implementation of the school master plan for student behavior and discipline in accordance with R.S. 17:252.

b. Members of the council shall annually elect a new chair and vice-chair from among the membership by the first convening meeting of the fiscal year.

c. Staff to support the ACSBD shall be provided by the LDE.

d. The council shall meet at least three times annually, and meetings shall be called and agendas set by the chair.

3. The membership of the ACSBD shall consist of 29 members.

a. Ex-officio representatives or a designee:

- i. state superintendent of education;
- ii. Secretary of Louisiana Department of Health;
- iii. Families and Friends of Louisiana's Incarcerated Children, executive director;

iv. Urban League of Louisiana, president;

v. MetroMorphosis, president;

vi. Louisiana Psychological Association, president;

vii. Louisiana School Counselors Association, president.

b. Appointed representatives:

- i. Louisiana Association of Principals, principal or assistant principal, one each from:
 - (a). elementary level;
 - (b). middle school level;
 - (c). high school level;
- ii. Louisiana Association of School Superintendents, one each from:
 - (a). LEA superintendent;
 - (b). child welfare and attendance officer;
 - (c). safe and drug-free schools coordinator;
 - (d). pupil appraisal coordinator;

iii. Louisiana Developmental Disabilities Council:

- (a). three members, parent of a child who presents challenging behavior, two of whom shall be a

parent of a child with exceptionalities, other than gifted and talented; and

(b). one additional member;

iv. Louisiana Advocacy Center;

v. Louisiana School Boards Association;

vi. Louisiana Council of Juvenile and Family Court Judges;

vii. Louisiana Federation of Teachers, classroom teacher;

viii. Louisiana Association of Educators, classroom teacher;

ix. Associated Professional Educators of Louisiana, classroom teacher;

x. Southern Poverty Law Center;

xi. Louisiana Association of Public Charter Schools;

xii. Louisiana Center for Children's Rights;

xiii. Louisiana Parent Teacher Association.

xiv. Louisiana Association of Special Education Administrators, director of special education.

4. The advisory council shall annually submit a report to the Senate Committee on Education, the House Committee on Education, and BESE regarding the results and recommendations with respect to the implementation of school master plans for improving student behavior and discipline as provided in R.S. 17:252.

D. General Council Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed to the council shall serve at the pleasure of the recommending authority. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.

3. Expenses. Members shall not be entitled to reimbursement for travel expenses.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as the proxy, contingent upon the consent of the appointing authority, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. Action/Quorum. Official council action requires that matters submitted by motion are duly seconded. The chair states the motion and calls for discussion and public

comment. All official actions of the group shall require the favorable vote of a simple majority of the members present. Proxies are not included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the BESE executive director and LDE.

2. Regular meeting dates shall be scheduled to convene one year in advance and shall be determined by the executive director, LDE, or a designee of either. The council shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled council meetings shall be distributed to the members by the LDE staff at least 7 calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:253.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the cost to the providers to provide the same level of service; or
- 3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the Advisory Council on Student Behavior and Discipline, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#016

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Dual Enrollment (LAC 28:CXV.2318)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions add Dual Enrollment (DE) Psychology to expand coursework opportunities for students in social studies. Advanced Placement (AP) Psychology can already be used to meet graduation requirements; this revision allows schools who may not have the staff to offer AP Psychology to offer a psychology course that counts toward the Taylor Opportunity Program for Students (TOPS) core curriculum requirements.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2318. The TOPS University Diploma

A. - C.2.j. ...

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

- a. - d.iii.(f). ...
- (g). African American history;
- (h). Dual Enrollment Psychology.
- e. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR

42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 741—Louisiana Handbook for School Administrators**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed revisions will have no effect on costs or savings to state agencies. Local school districts may experience costs should they choose to offer dual enrollment psychology courses to students instead of, or in addition to funding a faculty member to teach advanced placement psychology. The cost per student of these dual enrollment courses ranges from about \$100 to \$400 based on the school system and the partnering post-secondary institution. School systems may use Direct Student Services funds, Carl D. Perkins grants, Supplemental Course Allocations/Course Choice funds, or other sources to offer dual enrollment courses.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed revisions will not have an effect on revenue collections of local governmental units. Post-secondary institutions offering dual enrollment psychology courses may experience increased revenues through participation from secondary schools choosing to offer this course.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)
Families of students choosing to participate in these courses may experience additional costs associated with taking these classes, which may vary from \$100 to \$400 depending on the school system and course provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

School systems unable to find a teacher certified to teach advanced placement psychology will be able to offer dual enrollment psychology through a partnering institution.

Beth Scioneaux
Deputy Superintendent
2205#017

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for
Nonpublic School Administrators—Dual Enrollment
(LAC 28:LXXIX.2109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The aforementioned revisions add Dual Enrollment (DE) Psychology to expand coursework opportunities for students in social studies. Advanced Placement (AP) Psychology can already be used to meet graduation requirements; this revision allows schools who may not have the staff to offer AP Psychology to offer a psychology course that counts toward the Taylor Opportunity Program for Students (TOPS) core curriculum requirements.

**Title 28
EDUCATION**

**Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana
Handbook for Nonpublic School Administrators
Chapter 21. Curriculum and Instruction
Subchapter C. Secondary Schools
§2109. High School Graduation Requirements**

A. - C.7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. - 4.c.x. ...

- xi. African American history;
- xii. dual enrollment psychology.

5. - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR

41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:1456 (October 2019), LR 46:1084 (August 2020), amended LR 48:34 (January 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

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

The proposed revisions will have no effect on costs or savings to state or local governmental units.

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

The proposed revisions will not have an effect on revenue collections of local governmental units. Post-secondary institutions offering dual enrollment psychology courses may experience increased revenues through participation from secondary schools choosing to offer this course.

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

Nonpublic schools may experience costs should they choose to offer dual enrollment psychology courses to students instead of, or in addition to funding a faculty member to teach advanced placement psychology. Families of students choosing to participate in these courses may experience additional costs associated with taking these classes, which may vary from \$100 to \$400 depending on the school system and course provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

School systems unable to find a teacher certified to teach advanced placement psychology will be able to offer dual enrollment psychology through a partnering institution.

Beth Scioneaux
Deputy Superintendent
2205#018

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 1349, 1360, 1505, and 1543)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions include technical updates to reflect revised testing codes for certification exams and add a geometry endorsement opportunity for existing certificate holders, in addition to other technical revisions.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

**Chapter 3. Initial Teacher Certification
Subchapter B. Testing Required for Certification
§303. Certification Exams and Scores**

A. - B. ...

* * *

C. Certification Areas
 1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510	---	---	157
	Agriculture (5701) Effective 6/8/14	147			
Algebra I	Algebra I (5162) Effective 8/14/18	157			
	Middle School Mathematics (5169) Effective 1/1/14-8/31/2022	165			
	Middle School Mathematics (5164) Effective 9/1/2021	157			
American Sign Language	American Sign Language Proficiency Interview (ASLPI-0634)	3+170	World Languages Pedagogy 0841 (Score 158)		
Biology	Biology: Content Knowledge (0235 or 5235) Effective 9/1/2012-8/31/2023	150	---	---	157
	Biology Content Knowledge (5236) Effective 9/1/2022	154			
Business	Business Education: Content Knowledge (0101 or 5101)	154	---	---	157
Chemistry	Chemistry: Content Knowledge (0245 or 5245) Effective 9/1/2012-8/31/2023	151			157
	Chemistry: Content Knowledge (5246) Effective 9/1/2022	146			
Chinese	Chinese (Mandarin): World Language (5665)	164	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
English	English Language, Literature, and Composition: Content Knowledge (0041 or 5041) Pedagogy (0043) Prior to 1/1/14	160 130	---	---	- -
	English Language Arts: Content and Analysis (5039) Effective 1/1/14	168			157
Family and Consumer Sciences	Family and Consumer Sciences (0121 or 5121) Prior to 6/8/14	141	---	---	157
	Family and Consumer Sciences (5122) Effective 6/8/14	153			
French	French: World Language (5174)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
General Science	General Science: Content Knowledge (0435 or 5435) Effective 9/1/2012-8/31/2023	156	---	---	157
	General Science: Content Knowledge (5436) Effective 9/1/2022	141			
Geometry	Geometry (5163)	148	---	---	157
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Mathematics	Mathematics: Content Knowledge (0061 or 5061) Effective 6/1/10-12/31/13	135	---	---	157
	Mathematics: Content Knowledge (5161) Effective 1/1/14-8/31/2022	160			
	Mathematics: Content Knowledge (5165) Effective 9/1/2021	159			
Physics	Physics: Content Knowledge (0265 or 5265) Effective 9/1/2012-8/31/2023	141			157
	Physics: Content Knowledge (5266) Effective 9/1/2022	145			
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	*153	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
Speech	Speech Communications (0221 or 5221)	146	---	---	157
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana.	---	---	---	157

NOTE: * The passing score for tests taken prior to January 1, 2020 is 160.

2. All-Level K-12 Certification

* * *

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15: Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Effective 1/1/12: Special Education: Core Knowledge and Applications (0354 or 5354) and Principles of Learning and Teaching: Early Childhood (0621 or 5621)	145
	Effective 1/1/14-8/31/2023: Special Education: Early Childhood (0691 or 5691)		157	
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	AND Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	OR Elementary Education: Multiple Subjects (5001)		Effective 9/1/2022: Special Education: Early Childhood/Early Intervention (5692)	157
	● Reading/Language Arts (5002)	157	AND Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	● Mathematics (5003)	157		157
	● Social Studies (5004)	155		155
	● Science (5005)	159		159
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)	157	● Reading/Language Arts (5002)	157
	● Mathematics (5003)		157	
● Social Studies (5004)	155			
● Science (5005)	159			

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	“Demonstrated” (for at least 9 assessments within the series) Effective April 1, 2020
Educational Leader—Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 Current-
School Counselor K-12	Professional School Counselor (0421 or 5421) Effective 7/1/2015-8/31/2023	156
	School Counselor (5422) Effective 9/1/2022	159
School Librarian	Library Media Specialist (0311 or 5311) Effective 9/1/2012-8/31/2023	136
	School Librarian (5312) Effective 9/1/2022	154

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), LR 48:

Chapter 13. Endorsements to Existing Certificates

Subchapter C. All Other Teaching Endorsement Areas

§1349. Counselor K-12 (Counselor in a School Setting)

A. - B.2. ...

3. practicum/internship requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contacts hours; and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and

4. completion of the Praxis examination in school guidance and counseling.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:462 (March 2022), LR 48:

§1360. Geometry

A. Eligibility requirements:

1. valid standard, professional level Louisiana teaching certificate or higher; and

2. pass the geometry content exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate §1505. Educational Leader Certificate Level 1 (EDL 1)

A. The EDL 1 certificate is needed for school and district educational leadership positions such as assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions. The EDL certificate is issued upon the request of the LEA upon employment to serve as an educational leader. An EDL 1 certificate may be obtained through either a graduate degree pathway or through one of three alternate pathways.

1. Graduate Degree Pathway. To receive an entry-level EDL 1, the candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience;

1.b. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), LR 48:

§1543. Supervisor of School Libraries—Eligibility Requirements

A. - A.2. ...

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of credit in library science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:473 (March 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small

businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

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

The proposed revisions will not result in costs or savings to state governmental units. The revisions update testing codes, add a geometry endorsement opportunity, and make technical corrections. There may be costs to local school districts if these districts pay the \$130 testing fee or the \$25 certification change fee for teachers who seek to add the newly available geometry endorsement to their certificate. The extent of these costs will depend upon the number of teachers who pursue the endorsement and is indeterminable.

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

The proposed revisions will not have an effect on revenue collections of local governmental units. All changes to teaching certifications carry a \$25 fee. The Louisiana Department of Education (LDE) will receive revenues of \$25 for each teacher who applies to add the geometry endorsement to their certification.

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

There will be increased costs to prospective teachers pursuing the new geometry endorsement to the extent that they are required to pay the \$130 testing fee or the \$25 certification change fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will increase the number of certificated geometry teachers available to meet current demand.

Beth Scioneaux
Deputy Superintendent
2205#019

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mentor Teacher Certification (LAC 28:CXXXI.553)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI. in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions extend the mentor teacher waiver for the 2022-2023 school year to address the on-going lack of credentialed mentor teachers in specific content areas and geographic regions. Waivers are granted by the LDE on a case-by-case basis at the recommendation of the principal of the mentor teacher in order to provide professional guidance and supervision to undergraduate residents and post-baccalaureate candidates.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 5. Teaching Credential, Licenses, and Certifications**

§553. Mentor Teacher (MT) Ancillary Certifications

A. - F.2. ...

G. For the 2020-2021, 2021-2022, and 2022-2023 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies:

G.1. - G.2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family *Impact* Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will *accomplish* the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or *foreseeable* impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA

70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

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

The proposed revisions will not have an effect on costs or savings to state and local governmental units. The revisions extend the mentor teacher waiver for the 2022-2023 school year to address the on-going lack of credentialed mentor teachers in specific content areas and geographic regions. Waivers are granted by the Department of Education (LDE) on a case-by-case basis at the recommendation of the principal of the mentor teacher in order to provide professional guidance and supervision to undergraduate residents and post-baccalaureate candidates.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2205#020

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Dentistry**

Disciplinary Action Expungement;
Continuing Education Requirements
(LAC 46:XXXIII.322 and 1607)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.322 and 1615.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.322 because the rule previously only allowed dentists to apply for a first-time advertising violation after

three years, provided the dentist fulfilled the other requirements set forth in §322. The rule change will now allow dentists to apply for expungement of advertising violations after five years, provided the dentist has fulfilled the other requirements set forth in §322.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.1607 to set forth the guidelines that a holder of a retired volunteer dental who practices not more than 250 hours in a calendar year shall be exempt from all continuing education requirements except for the completion of a cardiopulmonary resuscitation course. The proposed rule change will also set forth that for any dentist who holds an anesthesia permit and seeks a retired volunteer dental license, the continuing education requirements set forth in §1611 (H) will be required.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

§322. Expungement of Disciplinary Actions

A. A dentist may apply for the expungement of advertising violations provided:

1. a period of five years has elapsed from the date the consent decree was executed by the board president or order issued after a disciplinary hearing;

2. the dentist has not had any subsequent disciplinary actions of any kind taken against him by the board or any other licensing or certifying agency since the initial advertising violations in question;

3. ...

4. the board will retain all records relative to the expunged advertising violations, and they may use same in connection with future disciplinary proceedings, if any.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 33:2562 (December 2007), amended by Department of Health, Board of Dentistry, LR 46:1676 (December 2020), repromulgated LR 47:42 (January 2021), amended LR 48:

**Chapter 16. Continuing Education Requirements
§1607. Exemptions**

A. - A.4. ...

5. dentists holding a retired volunteer dental license pursuant to R.S. 37:761.1 who work fewer than 250 hours per calendar year during the renewal period; however, if the dentist holding the retired volunteer dental license maintains a sedation permit, the requirements of §1611.H still apply.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 24:1117 (June 1998), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 41:1284 (July 2015), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018), LR 45:1762 (December 2019), LR 48:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

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

Provider Impact Statement

The proposed rulemaking should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

Public Comment

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Disciplinary Action Expungement; Continuing Education Requirements**

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

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 22 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

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

The proposed rule change is not anticipated to alter penalty fee collections or disciplinary processes as no dentist has been reprimanded by the Board of Dentistry for advertising violations since 2014. Additionally, the Board of Dentistry does not administrate nor receive revenue from continuing education coursework.

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

The proposed rule change for expungements of advertising violations will directly affect any dentist who had an advertising decree in the past. The rule previously only allowed dentists to apply for a first-time advertising violation after three years, provided the dentist fulfilled the other requirements set forth in LAC 46:XXXIII.322. The rule change will now allow dentists to apply for expungement of advertising violations after five years, provided the dentist has fulfilled the other requirements set forth in LAC 46:XXXIII.322.

The proposed rule change will benefit any persons seeking a retired volunteer dental license who practices not more than 250 hours a year as they will now be exempt from continuing education requirements except for the completion of a cardiopulmonary resuscitation course. The proposed rule change will also set forth that any dentist who holds an anesthesia permit and seeks a retired volunteer dental license, the continuing education requirements set forth in §1611 (H) and the completion of a cardiopulmonary resuscitation course will be required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment. Proposed rule change is intended to encourage more retired dentists to perform charitable work by reducing licensure burdens, but is unlikely to influence provider labor markets significantly.

Arthur Hickham, Jr.
Executive Director
2205#041

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Speech-Language Pathology and Audiology

Speech-Pathology and Audiology
(LAC 46:LXXV.Chapters 1-7)

Notice is hereby given in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3085, that the Board of Speech-Language Pathology and Audiology proposes to amend its current regulations to make technical changes and clarifications, edits to definitions, remove the clinical practicum hour requirement for audiologists, add a waiver for audiology applicants, revise the duties of speech-language pathology assistant license and provisional speech-language pathology assistant licenses, as well as, revise the procedural rules for investigation of complaints.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXV. Speech Pathology and Audiology

Chapter 1. General Rules

§103. Definitions

A. ...

Accredited Educational Institution—college or university that holds regional accreditation.

Accredited Educational Program—a graduate program in audiology or speech-language pathology that is accredited by the Council for Academic Accreditation in Audiology and

Speech-Language Pathology (CAA) or the Accreditation Commission for Audiology Education (ACAE).

Aides—individuals not licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (LBESPA) who, after appropriate training, perform tasks that are prescribed, directed, and supervised by speech-language pathologists or audiologists licensed in accordance with R.S. 37:2659(A) or (B). Licensed audiologists and licensed speech-language pathologists are legally, ethically, and morally responsible for the services provided by aides working under their direction.

Assistant Licensee—an individual who meets the qualifications established by R.S. 37:2659(F), and works under the direct supervision of a licensed speech-language pathologist and performs only those duties specified in §119. May engage in the provision of services via telehealth delivery as directed by their supervisor, provided all supervision guidelines are met.

Criminal History Record Information—information collected by state and federal criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information or any other formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision and release.

Direct Supervision—the supervisor observing the licensee engaging in a specified clinical activity with a patient/client in order to obtain knowledge and provide guidance regarding the supervisee’s clinical work. The supervisor shall accomplish this task either by being physically present in the room or through the use of a secure live video, live stream or web cam.

Facilitator—the individual at the client site who assists with the delivery of telehealth services at the direction of the audiologist or speech-language pathologist.

Full-Time Supervised Professional Employment/Experience—a minimum of 36 weeks engaged in the provision of clinical services. Volunteer services are not acceptable.

Grace Period—the period in which an applicant may be employed while an initial application for licensure is being considered by the board. The grace period cannot exceed 60 days from the date that the application is received by the board.

Indirect Supervision—the utilization of alternative methods, other than direct supervision, to acquire knowledge of a supervisee’s clinical work, e.g. review of client folders and record keeping, scheduling, and planning.

Nine Months of Full-Time Supervised Postgraduate Professional Employment/Experience—repealed.

On-Site In-View Observation—repealed.

Part-Time Employment/Experience—a minimum of 15 hours, but less than 30 clock hours per week.

Part-Time Postgraduate Professional Employment Experience—part-time experience greater than or equal to a

minimum of 15 hours per week up to 72 weeks of employment experience.

Provisional Assistant Licensee—an individual who meets the qualifications established in R.S. 37: 2659(G) and works under the direct supervision of a licensed speech-language pathologist and performs only those duties specified in §121. This person has completed a minimum of 100 of 225 supervised clinical practicum hours and is working to complete the remaining hours on-the-job and/or through a regionally accredited educational institution or its cooperating programs. May not engage in the provision of services via telehealth delivery; however, the individual may function as a facilitator given appropriate training.

Supervised On-the-Job Training—direct supervision hours which have been obtained during paid employment, and documented on the form provided by the board.

Telehealth—also known as telepractice, is a mode of delivering audiology and speech-language pathology services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education care management, and self-management of clients at a distance from the audiologist or speech-language pathologist provider. Telehealth allows services to be accessed when providers are in a distant site and patients are in the originating site. Telehealth facilitates self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:705 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), LR 28:1781 (August 2002), LR 30:2307 (October 2004), LR 33:2192 (October 2007), LR 37:2392 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1665 (October 2016), LR 45:249 (February 2019), LR 48:

§105. Designations

A. - A.2. ...

3. Repealed.

4. PL-SLP—Provisional Speech-Language Pathologist

5. R-SLP—Restricted Speech-Language Pathologist

B. ...

1. When signing formal and informal professional documents, speech-language pathology assistants and provisional speech-language pathology assistants shall write their full license title, e.g., B.A., SLP assistant or B.A., provisional SLP assistant. speech-language pathology assistants and provisional speech-language pathology assistants shall always identify themselves as such in professional interactions.

C. Titles and academic credential designations shall represent earned degrees obtained through regionally accredited university programs. To appropriately represent the level of education in the area of practice, when listing an educational designation, the licensee shall list the highest degree earned in audiology or speech-language pathology. In addition, graduate degrees earned in other disciplines must specify the area in which the degree was earned [e.g., B.S. (speech-language therapy), M.Ed. (administration)]. When

listing credentials, licensees should sequentially list their name, educational designation, license designation, and professional certification, e.g., M.A., L-SLP, CCC-SLP.

D. Telehealth registrants must list their field of practice, audiology or speech-language pathology, and indicate "limited to telepractice only".

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:346 (May 1996), amended LR 27:197 (February 2001), LR 30:2308 (October 2004), LR 33:2192 (October 2007), LR 48:

§107. Qualifications for Licensure

A. Coursework Requirements—Audiology License. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities (including programs in candidacy) evidencing completion of at least 75 semester credit hours of post-baccalaureate coursework for applicants who completed a doctoral program after January 1, 2005.

B. Coursework Requirements—Audiology License. The following coursework requirements apply to applicants who completed a master's program after January 1, 1994.

1. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities evidencing completion of at least 75 semester hours of coursework which constitutes a well-integrated program.

2.a. - b. ...

C. Coursework Requirements—Audiology License. The following coursework requirements apply to applicants who completed a master's program which was begun prior to January 1, 1994.

1. - 2.c. ...

D. Coursework Requirements—Speech-Language Pathology License and Provisional Speech-Language Pathology License. The applicant shall submit official transcripts from one or more regionally accredited colleges or universities (including programs in candidacy) evidencing completion of 75 semester credit hours, including at least 36 at the graduate level, from an accredited speech-language pathology program for applicants who began a graduate program after January 1, 2004.

E. - F.2.b. ...

c. A maximum of 6 academic semester credit hours associated with clinical practicum may be counted toward the minimum of 30 semester credit hours of professional coursework, but those hours may not be used to satisfy the minimum of 12 semester credit hours in speech/language disorders, 6 hours in language disorders, or 3 hours in audiology, or the 21 graduate credits in the professional area for which the license is sought.

*If seeking licensure in both speech-language pathology and audiology, at least 15 graduate level semester hours in each area are required.

G. - H.1.c. ...

2. Audiology License

a. The program or clinical director from an accredited educational institution must verify that the individual has met the breadth and depth of clinical experiences.

b. - c. ...

3. Speech-Language Pathology Assistant License

a. 225 clinical practicum hours are required, the first 100 of which shall have been obtained through a regionally accredited educational institution or its cooperating programs. Of the 100 hours obtained through a regionally accredited educational institution, 75 shall be obtained through direct patient/client contact. No simulation experiences will be accepted. The remaining 25 hours may be obtained through observation of assessment and therapy. It is recommended that the direct patient/client contact hours be obtained in at least two practicum sites with one site being a public school setting. The first 75 hours of direct patient/client contact shall be obtained in the following categories:

i. - ii. ...

iii. the remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. A maximum of 5 of these hours may be in the area of audiology. It is recommended that a minimum of 20 hours be obtained in articulation.

b. The remaining 125 hours must be obtained on-the-job and/or through a regionally accredited educational institution or its cooperating programs. Simulation experiences are not accepted.

4. - 4.a.i.(b). ...

(c). the remaining 35 hours may be obtained in the areas of speech, language or hearing disorders. A maximum of 5 of these hours may be in the area of audiology. It is recommended that a minimum of 20 hours be obtained in articulation.

b. The additional 125 hours required to upgrade to the speech-language pathology assistant license shall be obtained within three years of the date of issuance of the provisional assistant license and may be obtained by completing the remaining hours on-the-job and/or through a regionally accredited educational institution or its cooperating programs. Those hours obtained through supervised on-the-job training must consist of direct supervision hours and will only be accepted from the date that the application for license is received by the board.

c. A provisional speech-language pathology assistant must request, in writing, deferment of the three-year period to complete licensure upgrade requirements. Such deferment may only be requested if there is an extenuating circumstance, such as inability to obtain employment in the area of speech-language pathology. The license must be renewed annually. Such deferment may only be held for a period of three years from the time of board approval.

i. If the licensee has never worked as a provisional speech-language pathology assistant, a notarized statement shall be submitted to the board annually.

ii. ...

iii. Licensees on inactive status may retain their license by payment of the annual renewal fee. In order to resume practice as a speech-language pathology assistant, licensees on inactive status shall demonstrate completion of 5 clock hours of continuing education in the area of licensure for each year that inactive status was maintained (maximum of 25 hours).

I. Equivalency Requirements—Speech-Language Pathology, Provisional Speech-Language Pathology, or Audiology License

1. Individuals who do not possess a graduate degree in either audiology or speech-language pathology but wish to obtain a license through the equivalency process shall meet the coursework, practicum and examination requirements for the area in which licensure is sought as defined in the board's rules entitled coursework requirements: audiology license; coursework requirements: speech-language pathology license and provisional speech-language pathology license; clinical practicum hour requirements and examination requirement.

J. Postgraduate Professional Employment/Experience

1. A graduate-level speech-language pathologist must submit verification of 36 weeks of full-time postgraduate professional employment/experience or its full-time equivalent.

2. Repealed.

K. Examination Requirement—Speech-Language Pathology License, Provisional Speech-Language Pathology License, Audiology License

1. The board recognizes only the educational testing service's specialty area examinations for audiology and speech-language pathology as the licensure examination for audiology and/or speech-language pathology. Scores received directly from the applicant are not acceptable for licensing purposes.

2. The passing scores for the audiology and speech-language pathology area examinations are determined by the educational testing service.

3. If an individual has never held a license to practice audiology or speech-language pathology in another state, and if the degree program was completed greater than 10 years from the date of application, the passing score on the specialty area examination for audiology or speech-language pathology must have been obtained within the last 5 years.

L. - L.I.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:346 (May 1996), LR 27:197 (February 2001), repromulgated LR 27:1690 (October 2001), amended LR 28:1781 (August 2002), LR 30:2308 (October 2004), LR 33:2192 (October 2007), LR 37:2393 (August 2011), LR 39:1042 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 48:

§109. Licensure Application Procedures

A. - B. ...

C. Official transcripts shall be sent to this board directly from the college or university from which the academic requirements were earned.

D. Documentation of supervised clinical practicum hours shall be submitted on university forms signed by a clinical supervisor or director, and must be submitted along with the application form. The hours submitted must reflect the depth and breadth of clinical experiences across the lifespan.

E. The initial license fee submitted to this board with the application form shall be paid by credit card.

F. - G. ...

H. Documentation of 36 weeks of postgraduate professional employment/experience, a passing score on the educational testing service's specialty area examination, and verification of supervised clinical practicum hours may be waived for individuals who submit verification that they hold the certificate of clinical competence from the American Speech-Language-Hearing Association or proof of certification from the American Board of Audiology (ABA) with proof of passing the national exam. Documentation must be submitted with the application form.

I. - L. ...

M. Applicants who have not obtained licensure within one year of the board's receipt of the application shall be deemed to have abandoned the application, resulting in mandatory reporting to the appropriate federal data bank. An applicant may request a withdrawal of the application subject to review and approval by the board.

N. Individuals holding an unrestricted audiology or speech-language pathology license from another state shall be allowed to practice in Louisiana for five consecutive days within each renewal period upon proof of current licensure submitted to the board office 10 days prior to the scheduled activity.

O. When there is probable cause to believe that an applicant practiced illegally in Louisiana as an audiologist, speech-language pathologist, and/or speech-language pathology assistant, the board may offer a consent agreement and order which will grant the individual a license, subject to the following specified terms and conditions.

1. Within 90 days of the date of the consent agreement and order, the applicant shall take and pass an open book examination regarding R.S. 37:2650-2666, the board's rules and regulations, and ethical questions.

a. Open book test fee shall be \$30. The retest fee shall be \$10 per section.

b. Applicants have 4 1/2 hours to complete all sections of the test.

c. The open book examination or any section may be re-taken anytime within the 90 days.

d. Notice of the consent agreement and order shall be published and reported.

e. If the applicant fails to successfully complete all requirements set forth in the above paragraphs, the applicant's license shall be suspended without further notice until the board receives and accepts documentation of the applicant's completion of the consent agreement and order requirements.

P. Temporary Registration during a Declared Public Health Emergency

1. In a public health emergency lawfully declared as such by the governor of Louisiana, the requirement for a Louisiana license as an audiologist, speech-language pathologist, or speech-language pathology assistant may be waived by the board at that time to those out-of-state audiologists, speech-language pathologists, or speech-language pathology assistants, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, for a period of time not to exceed the duration and scope of R.S. 29:769(E), as more particularly set forth in this Section.

2. The following requirements for temporary registration may be imposed pursuant to the declared state of emergency and shall be in accordance with rules promulgated by the board.

3. An audiologist, speech-language pathologist, or speech-language pathology assistant not licensed in Louisiana, whose licenses, certifications or registrations are current and unrestricted in another jurisdiction of the United States, may gratuitously provide audiology and speech-language pathology services if:

a. the audiologist, speech-language pathologist, or speech-language pathology assistant has photo identification and a license to verify a current and unrestricted license, certification or registration in another jurisdiction of the United States, and properly registers with the board prior to providing audiology or speech-language pathology services in Louisiana as follows:

i. the audiologist, speech-language pathologist, or speech-language pathology assistant is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he/she will be providing gratuitous audiology or speech-language pathology services;

ii. the audiologist, speech-language pathologist, or speech-language pathology assistant shall comply with the Louisiana Speech-Language Pathology and Audiology Practice Act, board rules, and other applicable laws, as well as practice in good faith, and within the reasonable scope of his/her skill, training, and ability; and

iii. the audiologist, speech-language pathologist, or speech-language pathology assistant renders services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of services within the state of Louisiana.

4. This temporary registration period shall not exceed 60 days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

5. All interested audiologists, speech-language pathologists, and speech-language pathology assistants shall submit a copy of their respective current and unrestricted licenses, certifications or registrations issued in other jurisdictions of the United States and photographic identification, as well as other requested information, to the Louisiana Board of Examiners for Speech-Language Pathology and Audiology for registration with this agency prior to gratuitously providing audiology or speech-language pathology services in Louisiana.

6. Should a qualified audiologist, speech-language pathologist, or speech-language pathology assistant registered with the board fail to comply with any requirement or condition established by this Section, the board may terminate his/her registration upon notice and hearing.

7. In the event an audiologist, speech-language pathologist, or speech-language pathology assistant fails to register with the board, but practices audiology or speech-language pathology, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of audiology or speech-language pathology and prosecuted accordingly.

Q. Volunteer Services. Individuals seeking to provide services on a voluntary basis shall hold an unrestricted out-of-state license in the area of practice, shall be deemed to meet all of the qualifications for license set forth by this Chapter, and shall abide by the Code of Ethics.

R. Licensing Military Members and Military Spouses

1. Expedited application for licensure in the area of audiology or speech-language pathology shall be granted to military members and military spouses licensed, certified or registered in another jurisdiction, while the individual is satisfying the requirement for licensure.

a. Applications shall be submitted in accordance with §109.

b. Military members shall submit with the application a copy of current military-issued identification and military orders.

c. Applicants who are the spouse of military personnel shall submit with the application a copy of current military-issued identification, marriage license, and an affidavit attesting that applicant is married to military personnel.

2. Military applicants shall submit:

a. military members—official, primary-source documentation verifying requirements met in accordance with §107 and §115;

b. military spouse—official, primary-source documentation verifying requirements met in accordance with §107 and §115.

3. Military members and military spouses shall be given a 60-day grace period for submission of official documentation from the date their notarized application and license fee are received by the board office, regardless of lapsed license status. The board may consider an extension of this grace period as per House Concurrent Resolution 74 of the 2015 Regular Session of the Louisiana Legislature.

4. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001), LR 28:1974 (September 2002), LR 30:2311 (October 2004), LR 33:2193 (October 2007), LR 37:2393 (August 2011), repromulgated LR 37:2623 (September 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 45:251 (February 2019), LR 48:

§111. Application for Telehealth Registration

A. An application to practice audiology and/or speech-language pathology via telepractice shall be made on forms supplied by the board.

1. Criminal history record information must be submitted with the application form.

2. Proof of unrestricted, unencumbered current licensure granted in the home state based on standards at least equivalent to those in Louisiana shall be submitted.

B. Applicants shall provide official verification of licensure and/or registration status in each state, including any formal disciplinary action resulting in sanction and/or disciplinary proceedings which are pending.

C. The initial telehealth registration fee submitted to this board shall be paid by cashier's check, money order, or credit card.

D. Until an application has been approved by the board, the audiologist and/or speech-language pathologist shall not engage in delivery of telepractice services to Louisiana residents.

E. Applicants who have not obtained registration within one year of having submitted the application shall be deemed to have abandoned the application, resulting in mandatory reporting to the appropriate federal data bank. An applicant may request a withdrawal of the application subject to review and approval by the board.

F. In order for telehealth registration to remain current in Louisiana, the individual must maintain an unrestricted, unencumbered current license in another state, whose standards are at least equivalent to those in Louisiana. Telehealth registrants must report any previous or pending disciplinary actions in any state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 48:

§113. Criminal History Record Information

A. In addition to any other requirements established by regulation, an applicant is required, as a condition for eligibility for licensure/registration, to:

1. submit a full set of fingerprints, in a form and manner prescribed by the board;
2. permit the board to obtain state and national criminal history record information on the applicant;
3. submit the fee for state and national criminal history record information on the applicant.

B. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed non-public and confidential information restricted to the exclusive use of the board, its members, investigators, agents, and attorneys in evaluating the applicant's suitability and eligibility for licensure/registration. No such information or records shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

C. An applicant who denies the existence or extent of criminal history record information on an application, which is discovered by information, records, or documentation provided by the state police, FBI, or any other state, national, or foreign jurisdiction shall, in addition to the potential disqualification of licensure for any of the causes specified in §141 of this Chapter, be deemed to have provided false, misleading, or deceptive information, or false sworn information on an application for licensure, and to have engaged in unprofessional conduct, providing additional cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by an applicant in the state of Louisiana culpable of such violation, pursuant to R.S. 37:2662.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 48;

§115. Licensure by Reciprocity

A. The board may waive the examination for applicants who present proof of current licensure in another state with standards equivalent to those of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 30:2311 (October 2004), LR 48:

§117. Additional Requirements for International Applicants/Speakers of English as a Second Language

A. Any document required to be submitted to this board with an application for a license shall be in the English language, or accompanied by a certified translation thereof into the English language.

B. As a condition of the board's consideration of the license application of a graduate of a foreign college or university, the applicant shall provide the board with an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. The essence of the practice of audiology and speech-language pathology is communication; therefore an applicant whose primary language is not English shall:

1. submit a passing score on a nationally recognized English proficiency examination as approved by the board. The passing score must have been obtained within the past two years;
2. an English proficiency assessment may be conducted in-person by the board or its designees as a condition for licensure.

C.3. - D.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 27:201 (February 2001), LR 30:2311 (October 2004), LR 37:2394 (August 2011), LR 48:

§119. Requirements to Upgrade License

A. The provisional speech-language pathology licensee who has not passed the examination at the time of initial licensure shall submit the following to upgrade his/her license status:

1. an official copy of a passing score on the educational testing service area examination;
2. verification of thirty six weeks of full-time postgraduate professional employment/experience or its part-time equivalent in the field the license is held;
3. proof of supervision through date of upgrade (Form 100);
4. upgrade fee of \$30.

B. The provisional speech-language pathology licensee who has not completed the thirty six weeks of postgraduate professional employment/experience at the time of initial licensure shall submit the following to upgrade his/her license status:

1. verification of 36 weeks of full-time postgraduate professional employment/experience or its part-time equivalent in the field the license is held;

2. proof of supervision through date of upgrade (Form 100);

3. upgrade fee of \$30.

C. The provisional speech-language pathology assistant shall submit the following to upgrade the license status:

1. proof of 225 supervised clinical practicum hours shall be on file in the board's office. Only direct supervision hours and/or university practicum hours may be counted towards the 225 hours;

2. ...

D. The restricted audiology or restricted speech-language pathology licensee who holds a master's degree or its equivalent in audiology or speech-language pathology shall submit the following documents to upgrade their license:

1. ...

2. verification of 36 weeks of post-graduate professional employment/experience or its part-time equivalent in the field in which the license is held;

3. - 4. ...

E. Only those hours that have been obtained on-the-job as paid professional experience may be counted towards an upgrade.

F. Restricted speech-language pathology licensees who hold a bachelor's degree who wish to change their status to a provisional speech-language pathology license shall submit an application for license and meet the requirements of R.S. 37:2659.

G. Speech-language pathology assistant licensees who wish to change their status to a provisional speech-language pathology license shall submit an application for license and meet the requirements of R.S. 37:2759.

H. Postgraduate professional employment/experience which counts toward upgrading the license status will only be accepted from the date that the licensee's application was received by the board.

I. It is the responsibility of the licensee to submit the documents and make a written request for upgrade of their license status. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with a written request for license upgrade and the upgrade fee. The licensee shall remain under supervision until the upgrade has been approved by the board.

J. If a passing score of the educational testing service's specialty area examination in speech-language pathology is not submitted within one year from the date of issuance of the license, a provisional licensee must apply for a speech-language pathology assistant license. This individual may perform only those duties as specified in §121 and must be supervised in accordance with the requirements specified in §131.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:349 (May 1996), amended LR 27:197 (February 2001), LR 28:1971 (September 2002), LR 30:2312 (October 2004), LR 33:2194 (October 2007), LR 37:2394 (August 2011), LR 48:

§121. Duties: Speech-Language Pathology Assistant License and Provisional Speech-Language Pathology Assistant License

A.1. All duties performed by the speech-language pathology assistant licensee or provisional speech-language pathology assistant licensee shall be assigned by a licensed speech-language pathologist and shall be supervised in accordance with the rules and regulations specified by the board. Caseload assignments shall be consistent with the knowledge base and training of the licensee for the performance of the following tasks:

a. conduct speech-language screenings. All screening reports shall be cosigned and interpreted by the supervising speech-language pathologist;

b. - d. ...

e. document patient/client progress toward meeting established objectives as stated in the treatment plan;

f. - g. ...

h. with permission and guidance of the supervising speech-language pathologist, speech-language pathology assistants may participate in parent conferences, individualized educational program meetings (IEP), case conferences, interdisciplinary team conferences, and research projects. Provisional speech-language pathology assistants may participate in these activities only with the supervising speech-language pathologist present.

i. Speech-language pathology assistants may engage in telepractice as directed by their supervisor, provided all supervision guidelines are met. Provisional speech-language pathology assistants may not engage in telepractice.

2. Duties outside the Scope of Practice of a Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant

a. - a.i. ...

ii. conduct evaluations, even under supervision;

iii. interpret test and assessment results;

iv. screen, diagnose, or treat clients for feeding and swallowing disorders;

v. demonstrate swallowing strategies or precautions to clients, family, or staff;

vi. work with a communication or related disorder unless s/he has had sufficient coursework with appropriate supervised practicum in that area obtained through a regionally accredited educational institution or its cooperating programs;

vii. provide patient/client or family counseling;

viii. select and/or discharge patients/clients for services without the approval of the supervising speech-language pathologist;

ix. disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist and without the authorization of the patient/client or their designee;

x. make referrals for additional services without the approval of the supervising speech-language pathologist;

xi. participate in Individualized Family Service Plan (IFSP) meetings without the supervising speech-language pathologist.

xii. Provisional speech-language pathology assistants may not participate in parent conferences,

Individualized Educational Program (IEP), Individualized Family Service Plan (IFSP) meetings, case conferences, interdisciplinary team conferences, and research projects unless the supervising speech-language pathologist is present.

xiii. Provisional speech-language pathology assistants may not engage in telepractice; however, the individual may function as a facilitator given appropriate training

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 30:2312 (October 2004), amended LR 33:2194 (October 2007), LR 37:2394 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 45:255 (February 2019), LR 48:

§123. Fees

A. The board collects the following fees, which are non-refundable:

1. initial Louisiana license application—\$125;
2. dual license application—\$225;
3. renewal of license submitted on or before June 30, of each year—\$65:
 - a. dual licensure renewal—\$90;
4. delinquent renewal fee submitted between July 1 and July 31, of each year—\$130;
 - a. dual licensure renewal—\$180;
5. initial telehealth registration fee—\$50;
6. renewal of telehealth registration submitted on or before June 30, of each year—\$25;
7. renewal of telehealth registration submitted between July 1 and July 31, of each year—\$50;
8. licensure upgrade—\$30;
9. continuing education pre-approval fee for corporations or individuals who are not LBESPA licensees—\$50;
10. mailing lists—
 - a. \$200 for speech-language pathologists;
 - b. \$25 for audiologists;
 - c. \$25 for speech-language pathology assistants.
11. NSF or returned check—\$40;
12. open book test fee—\$30:
 - a. open book retest fee, per section—\$10;
13. publications to include law, rules, etc.—\$5 ea. plus postage and handling;
14. re-issuance of license or registration certificate—\$25;
15. subpoena within East Baton Rouge Parish—\$50:
 - a. subpoena plus state-allowed travel rate per mile outside East Baton Rouge Parish—\$50;
16. verification of license or registration (written)—\$10;
17. an additional fee may be charged for credit card transactions in accordance with state treasury rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:706 (October 1988), amended LR 22:350 (May 1996), LR 27:197 (February 2001), repromulgated LR 27:1691 (October 2001) amended LR 30:2313 (October 2004), LR 33:2195 (October 2007), LR 37:2395 (August 2011), amended

by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1666 (October 2016), LR 48:

§125. Renewals

A. All licenses and registrations shall be renewed annually by June 30, to avoid delinquent renewal fees.

B. Initial licenses and registrations issued during the last quarter of the fiscal year, i.e., April, May, and June, will not be required to be renewed during that fiscal year. No continuing education hours will be required of the licensee or registrant for that period.

C. Licensees shall list on their renewal form the licensees (i.e., provisional speech-language pathologists, restricted speech-language pathologists, restricted audiologists, speech-language pathology assistants, or provisional speech-language pathology assistants) and aides that they are supervising.

D. It is the licensee and registrant's continuing obligation to keep the board informed of his/her current mailing address.

E. Licensees shall participate in continuing professional education activities for each license period, July 1-June 30, in accordance with §127.

F. - F.5. ...

G. Licensees who hold a license requiring supervision and who are not working in the field of audiology and/or speech-language pathology shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

H. The board may refuse to consider any renewal application which is not complete in every detail, including submission of every document required by the application form and instructions. The board may, in its discretion, require additional information as a condition for consideration of the application.

I. Delinquent Renewal

1. Delinquent requests for renewals will be accepted by the board through July 31, provided the delinquent renewal fee is paid in accordance with §123, and the continuing education requirements have been met.

2. A licensee whose license lapsed on August 1, and applies to reinstate prior to the following June 30, is required to submit a completed application, proof of continuing education, initial license fee and delinquent renewal fee in accordance with §123 and §127.

3. A licensee whose license lapsed on August 1, and applies for reinstatement after June 30, of the following year, is required to submit a completed application, proof of continuing education, and is subject to the initial license fee and the requirements of §127.

4. A telehealth registrant whose registration lapsed on August 1, must complete the initial application process for telehealth registration.

J. Conditional Renewal

1. Licensees who previously held a full, valid license which was obtained under the grandfather clause of Act 260 of the 1978 Regular Session of the Louisiana Legislature, whether delinquent or lapsed, for a period not to exceed five years, shall be eligible for licensure renewal or reinstatement upon meeting the continuing education requirement and submitting the appropriate renewal fee in accordance with §123. If the license has lapsed for a period of more than five

years, applicants shall reapply in accordance with the requirements enumerated in R.S. 37:2651 et seq., as amended by Act 892 of the 1995 Regular Session of the Louisiana Legislature.

2. Licensees who previously held a restricted license which was obtained under Act 260 of the 1978 Regular Session of the Louisiana legislature, whether delinquent or lapsed, shall be eligible for licensure renewal or reinstatement, upon meeting the continuing education requirement and submitting the appropriate renewal fee as required in accordance with §123 and §127.

3. Licensees who allow their license to lapse (August 1) shall submit documentation of completion of five clock hours of continuing education (maximum of 25 hours) in the area of licensure for each year that the license has lapsed in addition to meeting the license requirements enumerated in R.S. 37:2650 et seq.

4. Licensees who have allowed their license to lapse for a period of five years or greater, and do not hold a current audiology or speech-language pathology license in another state, must submit evidence of 25 continuing education hours directly related to the clinical practice of the license being sought and must have been obtained within the past 18 months.

5. Licensees who have allowed their license to lapse for a period of 10 years or greater, and do not hold a current audiology or speech-language pathology license in another state, must submit a passing score on the educational testing service's specialty area examination for audiology or speech-language pathology, as applicable to the license being sought, achieved no more than five years prior to the submission of the request for reinstatement.

6. Renewal of a license will not be granted until all requirements including mandated continuing education hours have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:351 (May 1996), LR 27:198 (February 2001), LR 28:1972 (September 2002), LR 30:2314 (October 2004), LR 33:2195 (October 2007), LR 37:2395 (August 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1667 (October 2016), LR 45:256 (February 2019), LR 48:

§127. Continuing Education Requirements

A. ...

B. Of the 10 hours, five shall be educational activities directly related to the scope of practice of the licensee and must be designed to increase the knowledge and skills in the area of licensure.

C. Of the 10 hours, five may be in areas related to the professions of audiology and speech-language pathology. Such activities shall increase knowledge and skills pertinent to practice. Examples include: billing; coding and reimbursement; record-keeping; ethics; supervision.

D. Audiologists who dispense shall ensure that at least 3 of the total 10 hours are in areas directly related to hearing aid dispensing, such as business/practice management, marketing, aural habilitation/ rehabilitation, diagnostic assessment, characteristics of hearing aids and their application, etc.

E. Dual licensees shall complete 15 hours per year with a minimum of five hours in audiology and five hours in speech-language pathology; the remaining five may be in areas related to the professions of audiology and speech-language pathology. Related activities shall increase knowledge and skills pertinent to practice. Examples include: billing; coding and reimbursement; record-keeping; ethics; supervision.

F. Out-of-state audiologists and speech-language pathologists who hold telehealth registration shall complete the continuing education requirements consistent with the license the individual possesses for the state in which the provider is located. Telehealth registrants residing in states which do not require continuing education for audiologists and/or speech-language pathologists shall complete the annual continuing education requirements specified in this Section and may be audited.

G. Continuing education events occurring in the month of June will be accepted for the collection period in which they occur or they may be counted in the following collection period which begins on July 1. Hours from one event may not be divided between two collection periods.

H. The graduated scale for the collection of continuing education hours is based on the date an applicant receives his/her initial license or registration.

License/Registration Received	Hours Required
April, May, June	0
January, February, March	3
October, November, December	6
July, August, September	10

I. In the case of extenuating circumstances, when the licensee does not fulfill the continuing education requirements, the licensee shall submit a written request for extension to the board for consideration.

J. Continuing education hours accrued during the applicant's grace period will be accepted.

K. Acceptable continuing education sponsors and activities that are directly related to the practice of audiology and/or speech-language pathology:

1. board-sponsored activities;
2. presentations that are directly in the area of communication disorders sponsored by professional organizations such as American Academy of Audiology (AAA), American Speech-Language-Hearing Association (ASHA), Louisiana Academy of Audiology (LAA), Louisiana Speech-Language-Hearing Association (LSHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), Louisiana Society for Hearing Aid Specialists, etc. Business meetings, luncheons, award ceremonies, receptions, and other non-content area events are not recognized as acceptable continuing education activities;
3. activities provided by ASHA-approved continuing education providers or AAA-approved continuing education activities that are directly in the area of communication disorders;
4. meetings of related professional organizations that are directly in the area of communication disorders (e.g., Council for Exceptional Children, International Dyslexia Association);

5. college courses in the area of licensure, with the exception of clinical practicum, taken for credit or official audit (3 semester hours or 6 quarter hours=10 hours of continuing education);

6. distance learning (video conferences, telephone seminars and internet courses sponsored by universities, schools, clinics, state agencies, hospitals, professional organizations, or related professional organizations) that are directly in the area of communication disorders;

7. workshops and in-services that are university, school, clinic, hospital or state agency sponsored (maximum of five hours in a related area) that are directly in the area of communication disorders. Only content area workshop and in-service time shall count as earned continuing education. Documentation of staff development content must be separated from employee meeting activities such as announcements, review of deadlines, event planning, and other non-content area activities.);

8. publication of an article in a peer-reviewed journal for the year in which it was published;

9. digital media (e.g. CD, DVD, online webinars, etc.) which is ASHA-approved or AAA-approved continuing education media that are directly in the area of communication disorders;

10. the presenting licensee may count 1 1/2 times the value of an activity the first time it is presented to allow for preparation time (example: a 3 hour workshop=4 1/2 hours). The activity will count for the actual hour value for each subsequent presentation of the same activity;

11. teaching at the college level in the area of communication disorders is not acceptable.

L. Pre-Approval Policy

1. Pre-approval is required for continuing education events that do not meet the requirements as listed under §127.K.1.-11, and pre-approval of continuing education events is required in those situations where it is unclear whether the topic is relevant to the profession or will further a professional's expertise in a particular area.

2. ...

3. Individuals not licensed by LBESPA as well as corporations offering continuing education not addressed under §127.K., must submit a \$50 continuing education review fee along with the pre-approval request.

4. Licensees who elect to attend university classes/courses in audiology and/or speech-language pathology without payment of the university fee shall submit a self-study plan for pre-approval from the Louisiana Board of Examiners for Speech-Language Pathology and Audiology to receive continuing education credits.

5. - 5.a. ...

b. reading of journal articles that contain self-examination questions. Articles shall be submitted for pre-approval (maximum of 5 hours).

6. ...

M. Recording of Continuing Education Activities

1. Licensees shall record all continuing education activities as prescribed by the board and submitted at the time of renewal.

2. Licensees shall maintain records of continuing education activities completed for three years.

3. Licensees shall not submit repeated continuing education activities for credit within a three-year period.

4. A percentage of licensees will be audited each year as a means of evaluating compliance with the continuing education requirements. The board may request, through random audit, verification of clock hours submitted, including information regarding content and attendance. If the title of the activity does not clearly state the content, a description and/or time-ordered agenda may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:351 (May 1996), amended LR 27:199 (February 2001), LR 28:1973 (September 2002), LR 30:2314 (October 2004), LR 33:2196 (October 2007), LR 37:2395 (August 2011), LR 39:1043 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1667 (October 2016), LR 45:257 (February 2019), LR 48:

§129. Supervision Requirements for Restricted License and Provisional Speech-Language Pathology License

A. Restricted and provisional speech-language pathology licensees are required to undergo direct supervision by a licensed speech-language pathologist, licensed in accordance with R.S. 37:2659(B). Direct and indirect supervision must occur in every work setting in which the licensee is employed. An audiologist, licensed in accordance with R.S. 37:2659(A) may supervise these individuals for the purpose of hearing screening.

B. ...

C. Prior to the initiation of supervision of a restricted or provisional licensee, training in the area of supervision is strongly recommended.

D. An individual may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

E. Supervision must involve the direct participation of the supervisor in order for the supervisor to monitor, observe, evaluate, and make suggestions for improvement regarding the supervisee's professional employment.

F. Restricted and provisional speech-language pathology licensees must submit a supervisory agreement signed by the supervisor and supervisee as prescribed by the board. The form must be submitted to the board by the supervisee within 30 days of employment and submitted annually at the time of renewal. If there is a change in supervisor(s) at any time, a new supervisory agreement must be submitted to the board within 30 days of the change in supervision. If there are multiple supervisors for the same supervisee, all supervisors must sign the supervisory agreement.

G. Speech-language pathologists may share the supervision responsibility for provisional or restricted licensees, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

H. Supervisory records, including supervision logs and other documentation of supervision, shall be maintained by both the supervisor and supervisee for a period of three years. Documentation of supervision may be requested by

the board. Submission of inaccurate or falsified supervision documentation may result in disciplinary action.

I. The direct supervision of the licensee, whether employed full-time or part-time, shall include 16 hours annually.

1. At least eight shall be direct observation hours divided between the areas of diagnostics and management. The direct observations must be equal to or greater than a total of eight hours. Indirect supervision hours may include conferences, audio and video recordings, review of written records, staffings and discussions with other persons who have participated in the licensee's training.

2. For 12-month employees, two direct observation hours shall be conducted each quarter.

3. For nine-month employees, four direct observation hours shall occur in each semester. If the nine-month employment is extended for a period of time, additional direct as well as indirect supervision hours must occur.

J. Documentation of supervision shall be submitted annually at the time of license renewal on Form 100 provided by the board.

K. Licensees shall complete all supervision requirements consistent with the license held and immediately thereafter submit appropriate supervision forms to the board office along with an application requesting a license upgrade, along with the upgrade fee. The licensee shall remain under supervision until the upgrade has been approved by the board.

L. The board will accept supervision provided out-of-state by an individual licensed or ASHA-certified in the area of practice. Supervision must be documented on Form 100.

1. Restricted and provisional speech-language pathology licensees who have not worked in Louisiana, may submit their clinical fellowship report as proof of supervision that was carried out during the license period. Otherwise licensees must submit at the time of license renewal, appropriate proof of supervision consistent with Louisiana supervision requirements.

M. Licensees who are not working in the field of speech-language pathology and who hold a license requiring supervision, shall submit a notarized statement at the time of license renewal attesting to the fact that they did not work in the profession during the license period.

N. All costs of supervision shall be borne by the licensee or his/her employer, but in no event will those costs be borne by the board.

O. When supervision requirements have not been met in accordance with §129, licensees shall complete additional months of supervision to replace months of incomplete supervision.

P. After three administrative complaints have been accepted by the board against a licensed supervisor, that supervisor may no longer be allowed to supervise for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:352 (May 1996), LR 27:199 (February 2001), LR 28:1974 (September 2002) LR 30:2315 (October 2004), LR 33:2196 (October 2007), LR 37:2396 (August 2011), LR 39:1043 (April 2013), LR 48:

§131. Supervision Requirements for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant Licensees

A. - B. ...

C. An individual may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

D. The supervision requirements specified in these regulations are minimum requirements. It is the responsibility of the speech-language pathologist to design and provide a supervision system that protects patient/client care and maintains the highest possible standards of quality.

E. Supervision must involve the direct participation of the supervisor in order for the supervisor to monitor, observe, evaluate, and make suggestions for improvement regarding the supervisee's employment.

F. The supervisor is responsible for ensuring that the assistant does not make decisions regarding evaluation, management and future disposition of clients.

G. The supervisor is responsible for initial consultation with the assistant regarding coursework and practicum experiences prior to caseload assignment. The supervising speech-language pathologist shall assign only those tasks for which the assistant has been trained.

H. Decision-making regarding specification of on-going treatment protocol and necessary modifications, is the responsibility of the supervisor. The level of supervision required is considered the minimum necessary to ensure appropriate patient/client care.

I. The supervising speech-language pathologist shall be readily available for consultation with the assistant licensee. This includes personal contact, telephone, or other means of communication.

J. Speech-language pathology assistants and provisional speech-language pathology assistants must submit a supervisory agreement signed by the supervisor and supervisee as prescribed by the board. The form must be submitted to the board by the supervisee within 30 days of employment. If there is a change in supervisor(s) at any time, a new supervisory agreement must be submitted to the board within 30 days of the change in supervision. If there are multiple supervisors for the same supervisee, all supervisors must sign a supervisory agreement.

K. Speech-language pathologists may share the supervision responsibility for speech-language pathology assistants or provisional speech-language pathology assistants, but each supervising speech-language pathologist shall complete and submit the necessary supervision forms.

L. Supervisory records, including supervision logs and other documentation of supervision, shall be maintained by both the supervisor and supervisee for a period of three years. Documentation of supervision may be requested by the board. Submission of inaccurate or falsified supervision documentation may result in disciplinary action.

M. The board will accept supervision given out-of-state by a licensed or ASHA certified speech-language pathologist in the area of licensure. Licensees must submit at the time of license renewal, appropriate proof of supervision consistent with Louisiana supervision requirements.

N. Assistants who are not working in the field of speech-language pathology shall submit a notarized statement at the

time of license renewal attesting to the fact that they did not work in the profession during the license period.

O. Although more than one speech-language pathologist may provide supervision of an assistant licensee and provisional assistant licensee, at no time may a licensed speech-language pathologist supervise or be listed as a supervisor for more than three assistant or provisional assistant licensees. When multiple supervisors are used, the supervisors are encouraged to coordinate and communicate with each other.

P. Provisional speech-language pathology assistants and speech-language pathology assistants must undergo direct supervision as well as indirect supervision in every work setting in which the licensee is employed.

Q. Documentation of supervision shall be submitted annually at the time of license renewal on Form 200 provided by the board.

R. Supervision Requirements for the Speech-Language Pathology Assistant

1. A minimum of one clock hour of direct supervision shall be completed in the primary work setting each week for each licensee. If the assistant is employed in more than one work setting, additional direct supervision must occur in the secondary work setting.

2. A minimum of one clock hour of indirect supervision shall be completed each week for each licensee. These methods should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;
- c. approving treatment plans or protocols and documenting approval;
- d. monitoring patient/client progress toward meeting established objectives;
- e. monitoring, scheduling, charting and data collection;
- f. directing maintenance of equipment;
- g. directing research projects, in-service training and public relations programs;
- h. conducting telephone conferences.

3. If circumstances prohibit a supervisor from completing the minimum supervision requirements (§131.R.1 and 2) in a given week, the remaining supervision shall be completed the following week in conjunction with the required supervision hours for that week.

4. When the supervising speech-language pathologist is unavailable for supervision for more than one week, arrangements shall be made for another qualified supervisor or the speech-language pathology assistant shall be transferred to other duties.

5. Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirements

Hours Worked	Required Direct Supervision	Required Indirect Supervision
21-40 hours	1 hour/week	1 hour/week
20 hours or less	1 hour/every 2 weeks	1 hour/every 2 weeks

6. Assistant licensees shall be supervised only by a speech-language pathologist licensed under the provisions of

R.S. 37:2659(B) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659(A).

S. Supervision Requirements for the Provisional Speech-Language Pathology Assistant

1. A minimum of three clock hours of direct supervision shall be completed in the primary work setting each week for each licensee. If the provisional speech-language pathology assistant is employed in more than one work setting, additional direct supervision must occur in the secondary work setting.

2. A minimum of two clock hours of indirect supervision shall be completed each week for each licensee.

3. These activities should include, but are not limited to:

- a. specifying protocols for speech-language screenings and assessments conducted by the assistant licensee;
- b. specifying protocols for hearing screenings conducted by the assistant licensee;
- c. approving treatment plans or protocols and documenting approval;
- d. monitoring patient/client progress toward meeting established objectives;
- e. monitoring scheduling, charting and data collection;
- f. directing maintenance of equipment;
- g. directing research projects, in-service training and public relations programs;
- h. conducting telephone conferences.

4. If extenuating circumstances prohibit a supervisor from completing the minimum supervision requirements (§131.S.1 and 2) in a given week, the remaining supervision shall be completed the following week in conjunction with the required supervision hours for that week.

5. When the supervising speech-language pathologist is out for more than one week, arrangements shall be made for another qualified supervisor or the provisional speech-language pathology assistant shall be transferred to other duties.

6. When supervision requirements have not been met, in accordance with §131 licensees shall complete additional months of supervision to replace months of incomplete supervision.

7. After three administrative complaints have been accepted by the board against a licensed supervisor, that supervisor may no longer be allowed to supervise for a period of five years.

8. Provisional Speech-Language Pathology Assistant Full-Time and Part-Time Supervision Requirement

Hours Worked	Required Direct Supervision	Required Indirect Supervision
21-40 hours	3 hours/week	2 hours/week
20 hours or less	1.5 hours/every 2 weeks	1 hour/every 2 weeks

9. Provisional assistant licensees shall be supervised by a speech-language pathologist licensed under the provisions of R.S. 37:2659(B) with the exception of hearing screenings which may be supervised by an audiologist, licensed under the provisions of R.S. 37:2659(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:353 (May 1996), LR 27:200 (February 2001), repromulgated LR 27:1691 (October 2001), amended LR 30:2316 (October 2004), LR 33:2197 (October 2007), LR 37:2396 (August 2011), LR 48:

§133. Independent Practice

A. Licensed audiologists and speech-language pathologists, by virtue of academic coursework, clinical practicum, and professional experience, are qualified to engage in the autonomous or independent practice of the professions. Individuals who hold a license, i.e., provisional, restricted, assistant or provisional assistant, mandating supervision during the practice of the professions may not engage in the autonomous or independent practice of audiology or speech-language pathology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 33:2198 (October 2007), LR 48:

§135. Telehealth

A. Telehealth, regardless of where the service is rendered or delivered, constitutes the practice of audiology or speech-language pathology and shall require Louisiana licensure for in-state practitioners and telehealth registration for out-of-state licensed practitioners.

B. A provider of telehealth services shall be competent in both the type of services provided and the methodology and equipment used to provide the services.

C. A provider of telehealth services must use methods for protecting client information that include authentication and encryption technology.

D. The standard of care shall be the same as if the audiology or speech-language pathology services were delivered face-to-face. It is the responsibility of the provider to determine candidacy and to ensure that the client is comfortable with the technology being utilized.

E. The client shall be notified of telehealth services including but not limited to the right to refuse telehealth services, options for service delivery, and instructions on filing and resolving complaints, in all applicable jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 39:1044 (April 2013), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§137. Hearing Aid Dispensing

A. Audiologists who dispense hearing aids shall meet the coursework and practicum requirements for dispensing as specified in R.S. 37:2650 et seq.

B. Audiologists who dispense hearing aids shall maintain annual calibration records on audiometric equipment.

C. Audiologists who dispense hearing aids shall, regardless of the method of service delivery, comply with the following.

1. Audiologists shall ensure that a pre-purchase evaluation includes:

- a. a case history;
- b. an otoscopic examination;

c. a basic audiological test battery conducted within the preceding six-month period in a sound-treated environment unless the patient's physical condition prohibits accomplishment of these procedures. The battery shall include:

- i. basic comprehensive audiometry;
- ii. appropriate tolerance testing;

d. middle ear measurements shall also be obtained when indicated.

2. Audiologists shall provide the consumer with a minimum 30-day trial period on all new hearing aids purchased.

3. Audiologists shall inform the consumer of the total cost of the hearing aid, including any fees for returning the aid at the end of the trial period.

4. Audiologists shall conduct a post-fitting evaluation that includes functional gain measurements conducted in a sound treated environment and/or real ear measurements unless the patient's physical conditions prohibit accomplishment of these procedures.

5. Audiologists who engage in the fitting or selling of hearing aids shall deliver to each person supplied with a hearing aid, a bill of sale which shall contain the dispenser's signature, address and license number, together with a description of the make, model and serial number of the hearing aid and the amount charged. The bill of sale shall also indicate whether the hearing aid is new, used, or reconditioned.

D. Licensed Audiologists who did not hold a doctoral degree and were not registered to dispense hearing aids prior to August 1, 2016 and who wish to include hearing aid dispensing as a component of their practice, must have proof of appropriate training, education and experience in the area of hearing aid dispensing. These audiologists who wish to include dispensing as part of their practice shall submit a self-study for pre-approval by the board. Upon culmination, the audiologist must submit a report documenting completion. An audiologist who meets the qualifications for licensure but lacks the coursework and practicum requirements necessary for dispensing of hearing aids may fulfill these requirements by:

1. completing nine months of postgraduate professional employment/experience under the supervision of a licensed dispensing audiologist; and

2. providing proof of the successful completion of a study course by the National Institute for Hearing Instruments Studies, or its equivalent. Equivalency for National Institute for Hearing Instruments Studies is defined as:

a. an individualized program of study that shall include:

i. hearing aid technology and dispensing courses sponsored by hearing aid manufacturers to include a minimum of 15 clock hours;

ii. workshops in the area of hearing aid technology and dispensing sponsored by professional organizations or individual practitioners to include a minimum of 15 clock hours;

iii. successful completion of university coursework in the area of hearing aid technology and dispensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 22:353 (May 1996), amended LR 27:201 (February 2001), LR 28:1975 (September 2002), LR 30:2317 (October 2004), LR 33:2198 (October 2007), LR 37:2398 (August 2011), repromulgated LR 37:2624 (September 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§139. Qualifications and Duties of Aides

A. Audiologists and Speech-language pathologists are legally, ethically, and morally responsible for the services provided by aides working under their direction.

B. Requirements for the use of aides follow.

1. A licensed audiologist or speech-language pathologist may utilize an aide who meets the following qualifications. The aide shall:

- a. be of good moral character;
- b. be at least 18 years old;
- c. possess appropriate communication skills;
- d. have a high school diploma or G.E.D.

2. The supervising audiologist or speech-language pathologist is responsible for determining that the aide is qualified and prepared for the duties which s/he will be assigned. It is recommended that the aide be afforded continuing education opportunities. Appropriate areas of training may include:

- a. normal processes in speech, language and hearing;
- b. disorders of speech, language and hearing;
- c. record-keeping and data compilation;
- d. utilization of equipment and materials;
- e. professional ethics and their application to the aide's duties;
- f. administration of hearing screening tests.

C. Supervision

1. The licensed audiologist or speech-language pathologist shall provide periodic direct observation for each aide at least once per month during the initial year of the aide's employment. Speech-language pathology aides are required to undergo direct supervision by a licensed speech-language pathologist, licensed in the area in accordance with R.S. 37:2659(B). Audiology aides are required to undergo direct supervision by a licensed audiologist, licensed in the area in accordance with R.S. 37:2659(A). Audiology aides and Speech-language pathology aides may not be supervised by a provisional licensee, restricted licensee, assistant licensee, an individual on inactive status, a telehealth registrant, or an immediate family member.

2. The direct observation in subsequent years shall be established by the supervising audiologist or speech-language pathologist on an individual basis but shall be no less than once every three months.

3. The supervising audiologist or speech-language pathologist shall be readily available for consultation with the aide at all times.

4. Documentation of direct supervision shall be maintained by the supervising audiologist or speech-language pathologist and shall be submitted to the board upon request.

5. The supervising audiologist or speech-language pathologist shall report to the board at the time of licensure renewal, the names and employment locations of aides.

D. The speech-language pathology aide may engage in activities limited to those that are planned and directed by the supervising speech-language pathologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to speech-language pathology aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the speech-language pathologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screenings limited to pure-tone air conduction screening and screening tympanometry;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient's/client's performance.

E. The audiology aide may engage in activities limited to those that are planned and directed by the supervising audiologist. Providing that the preparation, training, and supervision are appropriate, the following tasks may be assigned to audiology aides:

1. setting up room and equipment;
2. clearing room and storing equipment;
3. preparing materials (such as making copies, typing forms) for use by the audiologist;
4. checking equipment to determine if the equipment is performing adequately;
5. transporting patients/clients to and from sessions;
6. assisting with field trips;
7. performing hearing screening tests and pure-tone air conduction threshold tests without interpretation;
8. recording, charting, graphing, or otherwise displaying objective data relative to the patient/client's performance.

F. Only the audiologist or speech-language pathologist shall exercise independent judgment in the provision of professional services. Specifically, the audiologist or speech-language pathologist may not delegate any of the following to the aide:

1. speech-language screening;
2. evaluation, diagnosis, or therapy with individuals with speech, language or hearing disorders;
3. interpretation of test and assessment results or discussion of confidential information despite the fact that this information may have been requested by the patient/client, parent or referring agency;
4. performance of any procedure for which the aide has not been trained.

G. Exemption. Aides employed on or before April 1996 may continue to operate under the provisions of Chapter 3, §§301-305 of the *Louisiana Register* 16:409 (May 1990) of the Louisiana Board of Examiners for Speech Pathology and Audiology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 16:409 (May 1990), amended LR 22:355 (May 1996), LR 27:201 (February 2001), LR 28:1781 (August 2002), LR 30:2318 (October 2004), LR 33:2199 (October 2007), LR 48:

§141. Disciplinary Actions

A. This board may refuse to issue, may suspend or revoke a license for the practice of audiology or speech-language pathology or otherwise discipline an applicant or licensee, upon finding that the applicant or licensee has violated any provisions of R.S. 37:2650 et seq., or any of the rules or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 14:707 (October 1988), amended LR 22:354 (May 1996), LR 28:1975 (September 2002), LR 30:2319 (October 2004), LR 33:2200 (October 2007), LR 48:

Chapter 3. Impaired Practitioner Program

§301. Purpose

A. - B.7. ...

C. The applicant or licensee will be responsible for executing all required releases of information and authorizations required for the board to obtain information from any monitor, treatment or service provider concerning the licensee's progress and participation in the program.

D. - G. ...

H. The board will, to the full extent permissible, maintain an agreement or consent agreement and order relating to the licensee's participation in the Impaired Practitioner Program as a confidential matter. The board retains the discretion to share information it deems necessary with those persons providing evaluation/assessment, therapy, treatment, supervision, monitoring or drug/alcohol testing or reports. Violation of any terms, conditions or requirements contained in any consent agreement and order, or board decision can result in a loss of the confidential status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 30:2319 (October 2004), amended LR 37:2398 (August 2011), LR 48:

Chapter 5. Procedural Rules

§501. Investigation of Complaints

A. The board is authorized to receive from any person, a complaint(s) against licensees, registrants, applicants, or other persons engaging in practices which violate or are alleged to violate the provisions of R.S. 37:2650 et seq.

B. Any complaint bearing on a licensee or registrant's professional competence, conviction of a crime, unauthorized practice, mental competence, neglect of practice, or violation of state law or ethical standards where applicable to the practice of audiology or speech-language pathology shall be submitted to the board.

C. Once a written complaint is received, the board shall designate a board member consultant to assist in the investigatory process. The board member consultant will assist the investigator by providing information related to the area of practice. Following completion of the investigation,

the investigator and the board member consultant may recommend disposal of the complaint informally through correspondence or conference with the licensee, registrant, and/or the complainant, which may result in a private letter of concern or a consent agreement and order. If the licensee or registrant stipulates to the complaint and waives her/his right to a formal hearing, the board may impose appropriate sanctions without delay.

D. The board's designated investigator shall have authority to investigate the nature of the complaint through conference, correspondence, and other investigative procedures, directed to those parties or witnesses involved. The board's designated investigator shall send the involved licensee or registrant notice by certified mail, return receipt requested, of the investigation containing a short summary of the complaint. All subsequent letters to the involved licensee or registrant, all letters to the complainant, or any other witness, shall be sent with a designation "personal and confidential" clearly marked on the outside of the envelope.

E. The designated investigator shall conclude the investigation as quickly as possible, without compromising thoroughness. Unless good cause is shown by the designated investigator satisfactory to the board, which may extend the time for the investigation, the investigation and recommendations to the board shall be delivered to the board member consultant within 60 days of the date that the designated investigator first received the assignment from the board.

F. Following an investigation, the designated investigator shall report to the board member consultant and together they will make a recommendation to the board for either dismissal of the complaint or proceeding to an informal hearing, consent agreement and order, or formal hearing. Following the completion of the investigation, the board member consultant will be recused from final adjudication, deliberations, and voting.

G. If the designated investigator and board member consultant's recommendation for an informal hearing is accepted by the board, the designated investigator shall notify the licensee or registrant of the time, date, and place of the informal hearing and of the issues to be discussed. The licensee or registrant shall appear on a voluntary basis. The licensee or registrant shall be advised that the hearing will be informal, no attorneys will be present, and no transcript of the hearing will be made. Any witnesses who testify will not be placed under oath, and no subpoenas will be issued. The licensee or registrant shall be informed that any statements made at the informal hearing will not be used or introduced at a formal hearing, unless all parties consent. If the licensee or registrant notifies the designated investigator that s/he does not wish an informal hearing, or if the licensee fails or refuses to attend an informal hearing, the informal hearing shall not be held. In that event, the board shall initiate a formal disciplinary hearing.

H. A complaint may be resolved by:

1. a private letter of concern to the licensee, registrant, or other appropriate parties;

2. a consent agreement and order approved by the board and entered into by the licensee or registrant.

I. The designated investigator, along with the board member consultant, shall recommend to the board the initiation of a formal disciplinary hearing if the investigation

discloses any of the following: the complaint is sufficiently serious to require a formal adjudication; the licensee or registrant fails to respond to the correspondence by the designated investigator concerning the complaint; the licensee or registrant's response to the designated investigator discloses that further action is necessary; an informal hearing is held but does not resolve all of the issues; or the licensee or registrant refuses to comply with the recommended remedial action.

J. The board member consultant shall submit any recommended action to the board in brief, concise language, without any reference to the particulars of the investigation, to any findings of fact or any conclusions of law arrived at during the investigative process.

K. The board shall have the authority to delegate to the designated investigator any alleged violations of the Speech-Language Pathology and Audiology Act, R.S. 37:2650 et seq., and any alleged violations of any and all rules and regulations adopted by the board pursuant thereto, prior to board action on those alleged violations. If requested by the board, the designated investigator shall submit to the board's executive director the complete investigation file. Final authority for appropriate action rests solely with the board including formal notification to the complainant, licensee, or registrant.

L. At no time shall the designated investigator investigate any case as authorized by the board where the investigator has any personal or economic interest in the outcome of the investigation, or is personally related to or maintains a close friendship with the complainant, the licensee, the registrant, or any of the witnesses involved. In such event, the designated investigator shall immediately notify the board, who shall appoint a substitute investigator for disposition of that particular case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:373 (April 1991), amended LR 22:356 (May 1996), LR 30:2320 (October 2004), LR 33:2200 (October 2007), LR 37:2398 (August 2011), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1668 (October 2016), LR 48:

§503. Compliance Hearings

A. The board shall provide a compliance hearing to a rejected applicant for licensure or registration provided that the rejected applicant requests a compliance hearing in writing within 30 days of the receipt of the notice of rejection. The applicant's request for a compliance hearing shall state with specificity the reason(s) why the application should be accepted.

B. ...

C. The purpose and intent of the compliance hearing is to provide a forum for the applicant, licensee, or registrant to present documentary evidence, in the form of affidavits, public records, official records, letters, etc., along with testimony under oath to establish that the applicant, licensee, or registrant does, in fact, meet the lawful requirements for issuance of a license or registration, or the retention of the license or registration. The board shall have the authority to administer oaths, hear the testimony, and conduct the hearing. The applicant, licensee, or registrant may be represented by counsel, or may represent her/himself.

D. In any compliance hearing, the burden of proof shall rest with the applicant, licensee, or registrant.

E. Within 30 days after the compliance hearing, the board shall forward its final decision, including specific reasons thereof, by certified mail, return receipt requested, to the applicant, licensee, or registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 27:201 (February 2001), LR 30:2321 (October 2004), LR 37:2399 (August 2011), LR 48:

§505. Formal Disciplinary Hearings

A. If, after completion of the investigation, the board determines that the circumstances may warrant the withholding, denial, suspension, or revocation of a license or registration, or other disciplinary action, the board shall initiate a formal disciplinary hearing. The board shall promptly notify the attorney general who is authorized and directed to appear on behalf of the state. The hearing shall be held before the board only after the involved licensee or registrant is given at least 30-days' notice by certified mail, return receipt requested. The notice shall include the following:

A.1. - E. ...

F. It is the licensee and registrant's continuing obligation to keep the board informed of her/his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a licensee or registrant's change of address and the new address is not provided to the board, the board may hold the hearing in the licensee or registrant's absence, after making reasonable efforts to obtain the licensee or registrant's new address.

G. Within 15 days of the licensee or registrant's receipt of notice, s/he may file a written answer to the notice, denying some or all of the charges, or offering any explanation or asserting whatever defense s/he deems applicable.

H. - J. ...

K. If the board finds by a preponderance of the evidence that the withholding, denial, suspension, or revocation of a license or registration, or other disciplinary action is warranted, the board shall sanction said individual according to the provisions of R.S. 37:2662(B):

1. refuse to issue a license or registration;
2. refuse to renew a license or registration;
3. issue a public letter of reprimand;
4. require restitution of costs and expenses incurred by the board related to the enforcement of R.S. 37:2650 et seq.;
5. impose probationary conditions;
6. impose a fine for each violation not to exceed \$1,000 per violation;
7. suspend a license or registration;
8. revoke a license or registration;
9. restrict the license by limiting or reducing the scope of practice; and/or
10. otherwise discipline a licensee or registrant.

L. A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record within 45 days of the formal procedure. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall

be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified by the board, either personally or by certified mail, return receipt requested, of any decision or order. Upon request, a copy of the decision or order shall be mailed to each party and to her/his attorney of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:357 (May 1996), LR 30:2321 (October 2004), amended by the Department of Health, Board of Speech-Language Pathology and Audiology, LR 42:1669 (October 2016), LR 48:

§507. General Procedural Rules for Hearings

A. The board is empowered to issue subpoenas upon receipt of a written request from the licensee, registrant, or attorney general at least 15 days in advance of any scheduled hearing. The board shall issue said subpoenas upon receipt of said written request and receipt of any and all fees for subpoenas as provided for in §123.A. promulgated by the board.

B. - H. ...

I. Upon request by either the licensee, registrant, or the attorney general, witnesses shall be sequestered and not allowed in the hearing chambers during the hearing or permitted to discuss their testimony with other witnesses prior to the conclusion of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language Pathology and Audiology, LR 17:374 (April 1991), amended LR 22:358 (May 1996), LR 27:201 (February 2001), LR 28:1975 (September 2002), LR 30:2322 (October 2004), LR 37:2399 (August 2011), LR 48:

§512. Summary Suspension of License/Registration

A. The board may suspend an existing license or registration because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of the licensee or registrant. The board may also suspend an existing license or registration if there are allegations of fact that the board believes demonstrates a substantial likelihood that the licensee or registrant poses a risk of harm to the public health, safety or welfare.

B. If the board finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license or registration may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

C. Following the proceedings, the notice to summarily suspend an existing license or registration shall be serviced personally upon the respondent or by certified mail or by other reasonable means. The notice shall inform the licensee or registrant of the opportunity, including the time and place, to appear before the board to show cause regarding why the license or registration should not be suspended. The opportunity for the licensee or registrant to be heard shall occur from 2 to 10 days following the summary suspension of the license or registration.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37: 2651-2666.

HISTORICAL NOTE: Promulgated by the Department of Hospitals, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, LR 33:2201 (October 2007), LR 48:

Chapter 7. Code of Ethics

§701. Preamble

A. The Code of Ethics of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology specifies professional standards that govern clinical and scientific practice, direct professional conduct, provide for proper implementation of professionals' responsibilities to those served, and ensure the welfare of the consumer.

B. Any action that violates the intent and purpose of this code shall be considered unethical. Although the Code of Ethics cannot be inclusive of all specific situations, failure to delineate any particular responsibility or practice in this Code of Ethics shall not be construed as denial of the existence of such responsibilities or practices.

C. Principles of ethics form the underlying moral basis for the Code of Ethics. Individuals shall observe these principles as affirmative obligations under all conditions of professional activity.

D. Rules of ethics are specific statements of minimally acceptable as well as unacceptable professional conduct which are applicable to all individuals.

E. Rules of Ethics for Audiology, Speech-Language Pathology, Provisional Speech-Language Pathology, and Restricted Speech-Language Pathology Licensees

1. Principle of Ethics I. Licensees shall honor their responsibility to hold paramount the welfare of persons they serve professionally or who are participants in research and scholarly activities, provide professional services with honesty and compassion, and respect the rights of those served. The licensee shall take all reasonable precautions to avoid harm to the individual served professionally.

a. Individuals shall provide all clinical services and scientific activities competently.

b. Individuals shall use every resource, including interprofessional collaboration and referral when applicable, to ensure that appropriate service is provided.

c. Individuals shall not discriminate in the delivery of professional services or in the conduct of research and scholarly activities on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

d. Individuals shall not misrepresent their credentials nor those under their supervision including aides, assistants, technicians, other support personnel, students, research interns, or individuals completing the postgraduate professional employment/experience, and they shall fully inform those they serve professionally of the name, role, and credentials of persons providing services.

e. Individuals may delegate tasks related to the provision of clinical services to students, aides, assistants, technicians, or other support personnel only if those persons are adequately trained and appropriately supervised. The responsibility for the welfare of those served remains with the fully licensed individual.

f. Individuals shall not delegate tasks that require the unique skills, knowledge, judgment or credentials that are within the scope of practice of their profession to aides, assistants, technicians, other support personnel or

nonprofessionals over whom they have supervisory authority.

g. Individuals shall obtain consent from the persons they serve only after a description of and discussion about the nature and possible risks and effects of services to be rendered, technology to be employed, and products to be dispensed. Consumers shall also be informed about possible effects of not engaging in treatment or following clinical recommendations. When the consumer is incapable of providing informed consent, individuals should seek authorization from a legally authorized/appointed representative or family member.

h. Individuals shall enroll and include persons as participants in research only if participation is voluntary, without coercion, and with informed consent.

i. Individuals shall accurately represent the intended purpose of a service, product, or research endeavor and shall abide by established standards for clinical practice and the responsible conduct of research.

j. Individuals shall evaluate the effectiveness of services rendered, technology employed, and products dispensed and shall provide services or dispense products only when benefit can reasonably be expected.

k. Individuals shall not guarantee, directly or by implication, the results of any treatment or procedure; however, they may make a reasonable statement of prognosis.

l. Individuals shall use independent and evidence-based clinical judgment, keeping paramount the welfare of those served.

m. Individuals shall not provide clinical services solely by correspondence but may provide services via telepractice consistent with professional standards and state and federal regulations.

n. Individuals shall protect the confidentiality of any professional or personal information about persons served professionally or participants involved in research and scholarly activities, and may disclose confidential information only when doing so is necessary to protect the welfare of the person or of the community, is legally authorized, or is otherwise required by law.

o. Individuals shall protect the confidentiality and security of records of professional services rendered, research and scholarly activities conducted, and products dispensed. Access to these records shall be allowed only when doing so is necessary to protect the welfare of the person or of the community, is legally authorized, or is otherwise required by law.

p. Individuals shall maintain timely records and accurately record and bill for services provided and products dispensed, and shall not misrepresent services rendered, products dispensed, or research and scholarly activities conducted.

q. Individuals whose professional practice is adversely affected by substance abuse or other health-related conditions are impaired practitioners and shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

r. Individuals who have knowledge a practitioner is unable to provide professional services with reasonable skill and safety shall report this information to the appropriate authority including the licensure board.

s. Individuals shall provide reasonable notice and information about alternatives for obtaining care in the event that the individual can no longer provide professional services.

2. Principle of Ethics II. Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance consistent with prevailing practice standards.

a. Individuals shall engage in only those aspects of the professions that are within the scope of their practice and competence, considering their level of licensure, registration, education, training and experience.

b. Individuals who engage in research shall comply with institutional, state, and federal regulations that address any aspects of research.

c. Individuals shall enhance and refine their professional competence and expertise through engagement in lifelong learning applicable to their professional activities and skills.

d. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct research activities that exceed their competence, education, training, experience, and licensure status.

e. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct clinical activities that compromise their independent and objective professional judgment.

f. Individuals shall make use of technology and instrumentation consistent with accepted professional practice guidelines and shall ensure that all technology and instrumentation used to provide services or to conduct research and scholarly activities are in proper working order and are properly calibrated. When such technology is not available, an appropriate referral should be made.

3. Principle of Ethics III. Individuals shall honor their responsibility to the public when advocating for communication, swallowing, and vestibular needs of the public, and shall provide accurate information involving any aspect of the professions.

a. Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly contributions.

b. Individuals shall avoid engaging in conflicts of interest whereby personal, financial, or other considerations have the potential to influence or compromise professional judgment and objectivity.

c. Individuals shall not misrepresent research and scholarly activities, diagnostic information, services rendered, results of services provided, products dispensed, or the effects of products dispensed.

d. Individuals shall not defraud through intent, ignorance, or negligence, or engage in any scheme to defraud in connection with obtaining payment, reimbursement, or grants and contracts for services provided, research conducted, or products dispensed.

e. Individuals' statements to the public shall provide accurate and complete information about the nature and management of communication disorders, about the professions, about professional services, about products, and about research and scholarly activities.

f. Individuals' statements to the public shall adhere to prevailing professional norms and shall not contain misrepresentations when advertising, announcing, and promoting their professional services and products or when reporting research results.

g. Individuals shall not make false statements regarding areas of professional practice, and shall complete all materials honestly and without omission.

4. Principle of Ethics IV. Individuals shall uphold the dignity and autonomy of the professions, maintain collaborative and harmonious interprofessional and intraprofessional relationships, and accept the professions' self-imposed standards.

a. Individuals shall work collaboratively, when appropriate, with members of one's own profession and members of other professions to deliver the highest quality of care.

b. Individuals shall exercise independent professional judgment in recommending and providing professional services when an administrative mandate, referral source, or prescription prevents keeping the welfare of persons served paramount.

c. Individuals' statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

d. Individuals shall not engage in any form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

e. Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.

f. Applicants for licensure or registration, and individuals making disclosures shall not make false statements and shall complete all application and disclosure materials honestly and without omission.

g. Individuals shall not engage in any form of harassment, power abuse, or sexual harassment.

h. Individuals shall not engage in sexual activity with students, patients/clients, research participants, speech-language pathology assistants, aides, or licensees over whom they exercise professional authority or power.

i. Individuals shall not allow anyone under their supervision to engage in any practice that violates any provision of the practice act or Rules and Regulations including the Code of Ethics.

j. Individuals shall assign credit only to those who have contributed to a publication, presentation, protocol, process, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

k. Individuals shall not engage in plagiarism and shall reference the source when using other persons' ideas, research, presentations, or products in written, oral, or any other media presentation or summary.

l. Individuals shall not discriminate in their relationships with colleagues, assistants, other support personnel, students, and members of other professions and disciplines on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

m. Individuals shall comply with local, state, and federal laws and regulations applicable to professional

practice, research ethics, and the responsible conduct of research.

n. Individuals shall inform the board of any violations of the practice act and the Rules and Regulations including the Code of Ethics.

o. Individuals shall cooperate fully with the board on matters of professional conduct relative to the practice act and the Rules and Regulations including the Code of Ethics, and shall not make false statements of fact or withhold relevant facts necessary to fairly adjudicate complaints.

p. Individuals who have been publicly sanctioned or denied a license, registration, or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the board in writing within 30 days of the final action or disposition. Such written notification shall consist of a certified copy of the final action, sanction, or disposition.

q. Individuals who have been convicted, been found guilty, or entered a plea of nolo contendere to any misdemeanor involving dishonesty, physical harm or the threat of physical harm to the person or property of another, or any felony, shall self-report by notifying the board in writing within 30 days of the conviction, plea, or finding of guilt. Such written notification shall consist of a certified copy of the conviction, plea, nolo contendere record, or minute/docket entry.

F. Rules of Ethics for Speech-Language Pathology Assistant and Provisional Speech-Language Pathology Assistant Licensees

1. Principle of Ethics I. Licensees shall honor their responsibility to hold paramount the welfare of persons they serve or who are participants in research and scholarly activities, provide services with honesty and compassion, and respect the rights of those served. The licensee shall take all reasonable precautions to avoid harm to the individual served.

a. Individuals shall provide clinical services and scientific activities competently, and engage only in those activities prescribed by the supervising speech-language pathologist.

b. Individuals shall not discriminate in the delivery of services or in the conduct of research and scholarly activities on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language, or dialect.

c. Individuals shall not misrepresent their credentials and shall fully inform those they serve of their name, role, and credentials.

d. Speech-language pathology assistants shall not interpret test or assessment results, guarantee results, make referrals, discharge patients/clients, nor provide patient/client or family counseling.

e. Provisional speech-language pathology assistant licensees shall not provide services via telepractice, interpret test or assessment results, guarantee results, make referrals, discharge patients/clients, provide patient/client or family counseling.

f. Individuals shall protect the confidentiality of clinical or personal information about persons served or participants involved in research and scholarly activities, and

shall not disclose confidential information orally or in writing to anyone not designated by the supervising speech-language pathologist and without the authorization of the patient/client or their designee.

g. Individuals shall protect the confidentiality and security of records of services rendered, research and scholarly activities conducted, and products dispensed. Access to these records shall not be allowed unless directed by the supervising speech-language pathologist.

h. Individuals shall maintain timely and adequate records of services rendered, shall not charge for services not rendered, and shall not misrepresent services rendered, or research and scholarly activities conducted.

i. Individuals whose services are adversely affected by substance abuse or other health-related conditions are impaired practitioners and shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.

j. Individuals who have knowledge that a licensee is unable to provide services with reasonable skill and safety shall report this information to the appropriate authority including the licensure board.

2. Principle of Ethics II. Individuals shall honor their responsibility to achieve and maintain the highest level of competence and performance.

a. Individuals shall engage in only those aspects of service provision that are within the scope of their practice and competence, considering their level of licensure, education, training and experience.

b. Individuals shall hold the appropriate qualifications for the area(s) in which they are providing services. Individuals shall engage in lifelong learning throughout their careers.

c. Individuals shall not provide services unless appropriately supervised.

d. Individuals shall not provide services for which the licensee has not been properly prepared.

e. Individuals shall utilize technology and instrumentation as directed by the supervising speech-language pathologist, ensuring that proper working order is maintained and calibration has been established.

3. Principle of Ethics III. Individuals shall honor their responsibility to the public by providing accurate information in all communications.

a. Individuals shall not misrepresent their credentials, competence, education, training or experience.

b. Individuals shall not participate in professional activities that constitute a conflict of interest.

c. Individuals shall not misrepresent research and scholarly activities, services rendered or any information, or engage in any scheme or maneuver to defraud in connection with obtaining payment or reimbursement for services.

d. Individuals shall not make false statements regarding areas of practice, and shall complete all materials and documents honestly and without omission.

4. Principle of Ethics IV. Individuals shall honor their responsibilities and their relationships with colleagues and members of other professions and disciplines. Individuals shall maintain harmonious interprofessional and intraprofessional relationships and accept the standards delineated for assistants.

a. Individuals' statements to colleagues about services, research, or products shall adhere to prevailing standards and contain no misrepresentations.

b. Individuals shall not engage in dishonesty, negligence, fraud, deceit, or misrepresentation.

c. Applicants for licensure and individuals making disclosures shall not make false statements and shall complete all application and disclosure materials honestly and without omission.

d. Individuals shall not engage in any form of harassment, power abuse, or sexual harassment, or any other form of conduct that adversely reflects on service delivery or on the individual's fitness to serve persons.

e. Individuals shall not engage in sexual activity with a patient/client or research participant.

f. Individuals shall assign credit only to those who have contributed to a publication, presentation, protocol, process, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.

g. Individuals shall not engage in plagiarism and shall reference the source when using other persons' ideas, research, presentations, or products in written, oral, or any other media presentation or summary.

h. Individuals shall not discriminate in their relationships with colleagues and members of other professions and disciplines on the basis of race, ethnicity, citizenship, sex, gender identity/gender expression, sexual orientation, age, religion, national origin, disability, culture, language or dialect.

i. Individuals shall comply with local, state, and federal laws and regulations applicable to practice and research.

j. Individuals shall inform the board of any violations of the practice act or the Rules and Regulations including the Code of Ethics.

k. Individuals shall cooperate fully with the board on matters of professional conduct relative to the practice act or the Rules and Regulations including the Code of Ethics, and shall not make false statements of fact or withhold relevant facts necessary to fairly adjudicate complaints.

l. Individuals who have been publicly sanctioned or denied a license or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the board in writing within 30 days of the final action or disposition. Such written notification shall consist of a certified copy of the final action, sanction, or disposition.

m. Individuals who have been convicted, been found guilty, or entered a plea of nolo contendere to any misdemeanor involving dishonesty, physical harm or the threat of physical harm to the person or property of another, or any felony, shall self-report by notifying the board in writing within 30 days of the conviction, plea, or finding of guilt. Such written notification shall consist of a certified copy of the conviction, plea, nolo contendere record, or minute/docket entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Speech-Language

Pathology and Audiology, LR 17:370 (April 1991), amended LR 22:360 (May 1996), LR 30:2324 (October 2004), LR 33:2201 (October 2007), LR 37:2399 (August 2011), LR 39:1044 (April 2013), LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In accordance with R.S. 49:965.6, the Louisiana Board of Examiners for Speech-Language Pathology and Audiology has conducted a Regulatory Flexibility Analysis and found that the proposed amending of this Rule will have negligible impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of services, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jolie Jones, Executive Director, Louisiana Board of Examiners for Speech-Language Pathology and Audiology, 37283 Swamp Road, Suite 3B, Prairieville, LA 70769. Mrs. Jones is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on July 14, 2022.

Public Hearing

A public hearing on this proposed Rule is scheduled for Friday, July 29, 2022 from 8-9 a.m. at the Courtyard by Marriott, Alexandria, LA 71115. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Jolie Jones
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Speech-Pathology and Audiology

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

The proposed rule changes will result in an estimated one-time SGR expenditure of \$500 in FY 22 for the Louisiana

Board of Examiners in Speech-Language Pathology and Audiology (LBESPA) to publish the proposed rule changes in the Louisiana Register and upload the rule revisions to the LBESPA website.

The proposed rule changes delete the definition for "on-site in-view observation," remove the clinical practicum requirement of 1,820 hours for audiologists, add the ability for audiology licensure applicants who are certified by the American Board of Audiology (ABA) to use their certification along with proof of passage of the national certification exam for licensure in lieu of providing documentation of their clinical practicum hours, revise the duties of speech-language pathology assistant and provisional speech-language pathology assistant licenses, tighten up continuing education requirements, as well as revise the procedural rules for the investigation of complaints. These changes fall within the current regulatory scope of the LBESPA and are not anticipated to carry any additional costs for the board.

Proposed rule changes also restore a fee and disciplinary schedule language erroneously removed in previous rulemaking.

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

The proposed rule changes will not affect revenue collections for state or local governmental units. Fee and disciplinary schedule changes are in language-only and in-line with existing practices.

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

The proposed rule changes clarify and specify standards for application, and standard of practice for all licenses administered by the LBESPA.

The proposed rule changes may benefit audiologists certified by the American Board of Audiology (ABA) by expediting the licensure process. ABA-certified audiologists may now be licensed in Louisiana by presenting their certification with proof of passing the national exam, in lieu of providing documentation of their clinical practicum hours and passage of the national certification exam, which is the current practice. At time of writing, the American Speech Language Hearing Association (ASHA) certification is usually required by employers to practice and may continue to be regardless of these rules' acknowledgment of ABA certification parity.

The proposed rule changes remove a clinical practicum requirement of 1,820 hours of audiologists. The proposed rule changes clarify duties of speech-language pathology assistants and provisional speech-language pathology assistants, stating that they may only participate in parent conferences, individualized education program (IEP) meetings, case conferences, interdisciplinary team conferences, and research projects only when a supervising speech-language pathologist is present. This rule is anticipated to affect less than 300 individuals in total, with 2020 estimates of 219 speech-language pathology assistants and 29 provisional speech-language pathology assistants.

The proposed rule changes remove the ability of the LBESPA to initiate a complaint against a practitioner of its own volition, which may result in fewer complaints against practitioners licensed by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to affect competition and employment.

Jolie Jones
Executive Director
2205#009

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Adult Day Health Care—Licensing Standards Admissions
(LAC 48:I.4273)

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions of LAC 48:I.4273 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of adult day health care (ADHC) providers in order to update the assessment tool used to determine nursing facility level of care eligibility for ADHC admissions.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 42. Adult Day Health Care

Subchapter H. Direct Service Management

§4273. Admissions

A. - A.5.k. ...

NOTE: A current version of the interRAI Home Care (iHC) assessment can be used in place of the nursing assessment summary.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2189 (October 2008), repromulgated LR 34:2635 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service,

no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Adult Day Health Care Licensing Standards—Admissions

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$432 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

The proposed rule amends the provisions governing the licensing of adult day health care (ADHC) providers in order to update the assessment tool used to determine nursing facility level of care eligibility for ADHC admissions. It is anticipated that implementation of this proposed rule will not result in costs to ADHC providers or small businesses in FY 21-22, FY

22-23, and FY 23-24, but will be beneficial by ensuring that the administrative rule accurately reflects the assessment tool currently utilized for level of care determinations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2205#043

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Ambulatory Surgical Centers—Licensing Standards (LAC 48:I.4541)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.4541 as authorized by R.S. 36:254 and R.S. 40:2131-2141. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated a Notice of Intent which proposed to amend the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to: 1) add the definition of optometry; 2) exempt ASC medical staff qualified as optometrists and practicing optometry from the requirement to also be staff members or have admitting privileges at local hospitals; and 3) require ASCs to have a written procedure for the immediate transfer of patients requiring emergency services to a local facility that meets the federal requirements for payment and to provide the facility with a notice of operations and patient population served (*Louisiana Register*, Volume 47, Number 12). As a result of comments received, the department determined that it was necessary to abandon the Notice of Intent published in the December 20, 2021 edition of the *Louisiana Register*.

The department now proposes to promulgate a revised Notice of Intent to amend the provisions governing the licensing of ASCs in order to update the requirements for transfer agreements from ASCs to licensed hospitals in the event of an emergency that requires hospital admission.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

Subchapter C. Admissions, Transfers and Discharges

§4541. Transfer Agreements and Patient Transfers

A. The ASC shall secure a written transfer agreement with at least one licensed hospital in the community. A transfer agreement shall serve as evidence of a procedure whereby patients can be transferred to a hospital should an emergency arise which would necessitate hospital admission.

1. - 2. Repealed.

B. The admitting physician of the ASC shall be responsible for effecting the safe and immediate transfer of patients from the ASC to a hospital when, in his/her medical opinion, hospital care is indicated.

C. The ASC is responsible for developing written policies and procedures for the immediate safe transfer of patients and coordination of admission into a licensed inpatient hospital when patients require emergency medical care beyond the capabilities of the ASC. The written policy shall include, but is not limited to:

1. identification of the ASC personnel who shall be responsible for the coordination of admission into an inpatient facility;

2. procedures for securing inpatient services;

3. procedures for the procurement of pertinent and necessary copies of the patient's medical record that will be sent with the transferring patient so that the information may be included in the patient's inpatient medical record;

4. identification of a minimum of one licensed inpatient hospital, via a current written transfer agreement; and

5. a requirement that the ASC will periodically provide the local inpatient hospital facility with written notice of its operations and patient population served.

D. - D.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1742 (September 2017), amended LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on, June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ambulatory Surgical Centers Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$648 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed rule amends the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to update the requirements for transfer agreements from ASCs to licensed hospitals in the event of an emergency that requires hospital admission. It is anticipated that implementation of this proposed rule will not result in costs to ASCs and will have no impact on small businesses in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial by clarifying procedures for the transfer of patients that require emergency care beyond the capabilities of the ASC.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2205#044

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Free-Standing Birth Centers
Licensing Standards
(LAC 48:I.Chapter 67)

The Department of Health, Bureau of Health Services Financing proposes to repeal and replace the provisions of LAC 48:I.Chapter 67 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 332 of the 2019 Regular Session of the Louisiana Legislature authorized the Department of Health to promulgate Rules relative to the licensing of free-standing birth centers (FSBCs). In compliance with Act 332, the Department of Health, Bureau of Health Services Financing promulgated a Notice of Intent which proposed to repeal LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the *Louisiana Administrative Code* and replace it with provisions governing licensing of FSBCs (*Louisiana Register*, Volume 47, Number 7). As a result of the comments received, the department determined it was necessary to abandon the Notice of Intent published in the July 20, 2021 edition of the *Louisiana Register*.

The department now proposes to promulgate a revised Notice of Intent in order to repeal LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety and replace it with provisions governing the licensing of FSBCs, in compliance with Act 332.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 67. Free-Standing Birth Centers

Subchapter A. General Provisions

§6701. Introduction

A. These regulations contain the minimum licensing standards for free-standing birth centers (FSBCs). Free-standing birth centers are established for the purpose of rendering birthing procedures to its clients outside of a traditional hospital.

B. The care and services to be provided by an FSBC shall include:

1. birth-related procedures;
2. criteria for admission to, continuation in, and transfer out of, the birth center;
3. medications as needed for clinical procedures rendered;
4. services necessary to provide for the physical and emotional well-being of the clients served;
5. established consultation, assessment of emergency conditions, and transfer as needed; and
6. organized administrative structure and support services.

C. Each entity that meets the definition of an FSBC shall submit an initial licensing application and the required fee to the department within 90 days of the promulgation of these initial rules, regulations, and licensing standards. If the entity

is not licensed within 120 days after submission of its initial licensing application and fee, the entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

D. FSBCs that apply for their initial FSBC license or receive plan review approval for initial construction or major renovations, or change their geographic address after the effective date of the promulgation of this Rule, shall be required to comply with all of the provisions herein.

E. Those FSBCs in operation on the effective date of the promulgation of this rule, shall be exempt only from the provisions of §6701.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6703. Definitions

Active Labor—rapid cervical dilation beginning at six centimeters dilation.

Administrator—the person responsible for the on-site, daily implementation and supervision of the overall free-standing birth center's operation commensurate with the authority conferred by the governing body.

Apgar Score—an accepted and convenient method for reporting the status of the newborn immediately after birth and the response to resuscitation if it is needed.

Board—the Louisiana State Board of Medical Examiners (LSMBE).

Certified Nurse Midwife (CNM)—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Cessation of Business—center is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed healthcare provider subject to this rule by a person, corporation, or other entity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

Client—an individual who is receiving services from a licensed free-standing birth center.

Department—the Louisiana Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

Division of Administrative Law (DAL)—the agency authorized to conduct fair hearings and take actions on appeals of departmental decisions as provided for in the Administrative Procedure Act, or its successor.

Employed—performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Family—individuals selected by the pregnant woman to be present and/or in attendance during her admission to the free-standing birth center.

Free-Standing Birth Center (FSBC)—a facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity which provides FSBC services and at which a person is anticipated to have an uncomplicated vaginal delivery following a low-risk pregnancy. An FSBC does not include a

hospital licensed pursuant to R.S. 40:2100 et seq., nor does it include the place of residence of the person giving birth.

Free-Standing Birth Center Services—peripartum care, including prenatal, labor, delivery, and postpartum, and services for people with low-risk pregnancies provided at free-standing birth centers. This includes any ancillary ambulatory service provided to a person at low risk for pregnancy complications, if such services are within the scope of practice of the individual providing the service.

Governing Body—the individual or group of individuals who are legally responsible for the operation of the FSBC, including management, control, conduct and functioning of the FSBC, also known as the governing authority.

Health Standards Section (HSS)—Department of Health, Office of the Secretary, Health Standards Section.

Intrapartum—the period beginning with active labor to the expulsion of the placenta.

Licensed Midwife—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Licensed Healthcare Practitioner—a licensed physician or CNM, or a licensed midwife.

Lochia—the normal discharge from the uterus after childbirth occurring three to ten days after delivery.

Low-Risk Pregnancy—a normal, uncomplicated, singleton pregnancy that has vertex presentation and is at low risk for development of complications during labor and birth, as determined from an evaluation and examination conducted by a physician or other practitioner or individual acting within the scope of his or her practice.

Miscarried Child—the fetal remains resulting from a spontaneous fetal death that does not require compulsory registration pursuant to the provisions of R.S. 40:47.

National Standards—national standards for birth centers published or established by the American Association of Birth Centers, as well as requirements for accreditation published by the Commission for Accreditation of Birth Centers.

Non-Operational—when the FSBC is not open for business operations on designated days and hours as stated on the licensing application.

Office of the State Fire Marshal (OSFM)—an agency of the Department of Public Safety responsible for architectural and licensing plan review and inspections for life safety codes.

Perineal Laceration—a tear of the skin and other soft tissue structures which, in women, separate the vagina from the anus. Perineal tears mainly occur in women as a result of vaginal childbirth and vary in severity.

Physician—a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Physician Evaluation and Examination—physician evaluation and examination as provided in R.S. 37:3244 to determine whether, at the time of such evaluation and examination, the individual is at low or normal risk of developing complications during pregnancy and childbirth.

Postmature—gestational age of greater than 42 weeks.

Postpartum—the period beginning immediately after childbirth in accordance with current standards of practice.

Practice of Midwifery—holding oneself out to the public as being engaged in the business of attending, assisting, or

advising a woman during the various phases of the interconceptional and childbearing periods.

Prenatal Care (Antepartum Care)—occurring or existing before birth. The prenatal period (also known as antenatal care) refers to the regular care recommended for women during pregnancy. Prenatal care is preventative care with the goal of providing regular check-ups that allow licensed healthcare practitioners to treat and prevent potential health problems throughout the course of pregnancy.

Preterm—prior to the thirty-seventh week of gestation.

Qualified Personnel—means that the individual is trained and competent in the services which he or she provides and is licensed or certified when required by statute or professional standard.

Scope of Practice—services that a licensed healthcare practitioner is deemed competent to perform and permitted to undertake, in keeping with the terms of their professional license.

Secretary—the secretary of LDH, or designee.

Standards—policies, procedures, rules, guidelines, and standards of current practice contained in this Part in addition to those rules and standards promulgated by LDH for the licensing and operation of free-standing birth centers.

Term—gestational age of greater or equal to 37 weeks but less than 42 weeks.

Transfer Agreement—a written agreement made with at least one receiving hospital in the community and with a local ambulance service for the timely transport of emergency clients to a licensed hospital that will provide obstetric/newborn acute care should an emergency arise which would necessitate hospital care and services.

Uterine Atony—a loss of tone in the uterine musculature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2180.21-2180.28, R.S. 37:1270 and R.S. 37:3241-3259.

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

§6705. General Requirements

A. All FSBCs shall be licensed by LDH. No facility, place, center, agency, person, institution, corporation, partnership, unincorporated association, group, or other legal entity providing FSBC services shall be established or operated unless licensed as an FSBC by the department to perform such services.

B. A license issued to an FSBC shall be valid for one geographic location and issued to the entity or person and premises named in the license application.

C. A license issued pursuant to these regulations shall be valid for 12 months unless revoked or otherwise suspended prior to that date, commencing with the month of issuance.

D. Unless otherwise renewed or stayed in the rules promulgated by the department, a license issued pursuant to this Part shall expire on the last day of the twelfth month after the date of issuance.

E. A license issued pursuant to this Part shall be on a form prescribed by the department.

F. A license issued pursuant to this Part shall not be transferable or assignable.

G. A license issued to an FSBC shall be posted in a conspicuous place on the licensed premises.

H. Each FSBC shall be located within a 20 minutes' transport time from a general acute care hospital providing obstetric services which allows for an emergency cesarean

delivery to begin within 30 minutes of the decision by a licensed obstetrician/gynecologist physician in the receiving facility that a cesarean delivery is necessary.

I. Each FSBC shall have agreements or written policies and procedures with other agencies, institutions, or individuals, for services to clients including, but not limited to:

1. laboratory and diagnostic services;
2. obstetric consultation services;
3. pediatric consultation services;
4. transport services;
5. obstetric/newborn acute care in hospitals; and
6. pharmaceutical services.

J. Each FSBC shall have an established consultation, collaboration, or referral system, for both emergency and non-emergency circumstances, that fall outside the scope of birth center practice, to meet the needs of a mother or the newborn.

K. Each FSBC shall have requirements and protocols for assessing, transferring, and transporting clients to a licensed hospital and arrangements with a local ambulance service for the transport of emergency clients to a licensed hospital.

L. Each FSBC shall have requirements for documentation of adequate prenatal care and for documentation and evidence that the delivery is expected to be low risk, singleton birth, and vertex presentation.

M. Each FSBC shall meet the national standards for birth centers published or established by the American Association of Birth Centers, as well as requirements for accreditation published by the Commission for Accreditation of Birth Centers.

N. Neither general nor epidural anesthesia services shall be administered at the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6707. Licensing

A. The LDH HSS is the only licensing authority for FSBCs in the state of Louisiana.

B. Each FSBC license shall:

1. be issued only to the person or entity named in the license application;
2. be valid only for the FSBC to which it is issued and only for the specific geographic address of that FSBC;
3. be valid for one year from the date of issuance, unless revoked, suspended, modified or terminated prior to that date, or unless a provisional license is issued:
 - a. a provisional license shall be valid for a period not to exceed six months if the department determines that there is no immediate and serious threat to the health and safety of clients;
4. expire on the last day of the twelfth month after the date of issuance, unless timely renewed by the FSBC;
5. not be subject to sale, assignment, donation, or other transfer, whether voluntary or involuntary; and
6. be posted in a conspicuous place on the licensed premises at all times.

C. The FSBC shall abide by and adhere to any federal, state, and local laws, rules, policies, procedures, manuals, or memorandums applicable to such facilities.

D. A separately licensed FSBC shall not use a name which is the same as the name of another such FSBC

licensed by the department as determined by the secretary of state.

E. Each existing entity that meets the definition of FSBC as defined in this Chapter shall submit an initial licensing application and fee to the department within 90 days of the promulgation of the initial rules, regulations, and licensing standards. If the existing entity is not licensed within 120 days after submission of its initial licensing application and fee, the existing entity shall cease operations until such time as it is licensed as a free-standing birth center by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6709. Initial Licensure Application Process

A. An initial application for licensing as an FSBC shall be obtained from the department. A completed initial license application packet for an FSBC shall be submitted to, and approved by the department, prior to an applicant providing services.

B. The initial licensing application packet shall include:

1. a completed licensure application and the non-refundable licensing fee as established by statute;
2. a copy of the approval letter(s) of the architectural and licensing facility plans from the OSFM and any other office/entity designated by the department to review and approve the center's architectural and licensing plan review;
3. a copy of the on-site inspection report with approval for occupancy by the OSFM, if applicable;
4. a copy of the on-site health inspection report with approval for occupancy from the Office of Public Health (OPH);
5. proof of each insurance coverage as follows:
 - a. general liability insurance of at least \$300,000 per occurrence;
 - b. worker's compensation insurance as required by state law;
 - c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified healthcare provider with the Louisiana Patient's Compensation Fund (PCF):
 - i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and
 - d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);
6. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000;
7. disclosure of ownership and control information;
8. the usual and customary days and hours of operation;
9. an organizational chart and names, including position titles, of key administrative personnel and governing body;
10. fiscal intermediary, if applicable;
11. secretary of state's articles of incorporation;

12. clinical laboratory improvement amendments (CLIA) certificate or CLIA certificate of waiver, if applicable;

13. an 8.5 by 11-inch mapped floor plan; and

14. any other documentation or information required by the department for licensure.

C. If the initial licensing packet is incomplete, the applicant shall be notified of the missing information, and shall have 90 days from receipt of the notification to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application shall be closed. If an initial licensing application is closed, an applicant who is still interested in becoming an FSBC shall be required to submit a new initial licensing application packet with the required fee to start the initial licensing process.

D. Once the initial licensing application packet has been approved by the department, notification of such approval shall be forwarded to the applicant. Within 90 days of receipt of the approval of the application, the applicant shall notify the department that the FSBC is ready and is requesting an initial licensing survey. If an applicant fails to notify the department within 90 days, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a licensed FSBC shall be required to submit a new initial licensing packet with the required fee to start the initial licensing process.

E. Applicants shall be compliant with applicable federal, state, departmental or local statutes, laws, ordinances, rules, regulations and fees before the FSBC will be issued an initial license to operate.

F. Fire Protection. All FSBCs required to be licensed by the law shall comply with the rules, established fire protection standards and enforcement policies as promulgated by the OSFM. It shall be the primary responsibility of the OSFM to determine if applicants are complying with those requirements. No license shall be issued to an applicant seeking licensure after the effective date of the promulgation of this rule or license renewed without the applicant furnishing a certificate from the OSFM stating that the applicant is complying with its provisions.

G. Sanitation and Client Safety. All FSBCs required to be licensed by the law shall comply with the Rules, *Sanitary Code* and enforcement policies as promulgated by the Office of Public Health (OPH). It shall be the primary responsibility of the OPH to determine if applicants are complying with those requirements. No initial license shall be issued to an applicant seeking licensure or license renewal after the effective date of the promulgation of this rule without the applicant furnishing a certificate from the OPH stating that the applicant is complying with its provisions.

H. For those existing facilities that get a conditional certificate from OPH/OSFM, a provisional license may be issued to the applicant if the OPH or the OSFM issues the applicant a conditional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6711. Initial Licensing Surveys

A. Prior to the initial license being issued, an initial onsite licensing survey shall be conducted to ensure compliance with the licensing laws and standards.

1. The initial licensing survey of an FSBC shall be an announced survey.

2. Follow-up surveys to the initial licensing surveys may be announced or unannounced surveys depending on the outcome of the initial survey.

B. The FSBC shall not provide services to any client until the initial licensing survey has been performed and the FSBC has been determined to be compliant with these licensing regulations and has received written approval from the HSS.

EXCEPTION: For FSBCs in operation at the time of the promulgation of this Rule, the requirement for non-admittance of clients prior to survey does not apply.

C. If the initial licensing survey finds that the FSBC is compliant with all licensing laws, regulations, and other required statutes, laws, ordinances, rules, regulations, and fees, the department shall issue a full license to the center. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended or terminated.

D. If the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations that present a potential threat to the health, safety, or welfare of the clients, the department shall deny the initial license.

E. In the event that the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required rules or regulations, but the department in its sole discretion determines that the noncompliance does not present a threat to the health, safety or welfare of the clients, the department may issue a provisional initial license for a period not to exceed six months. The FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license.

1. If all such noncompliance or deficiencies are corrected on the follow-up survey, a full license may be issued.

2. If all such noncompliance or deficiencies are not corrected on the follow-up survey, or new deficiencies affecting the health, safety, or welfare of a client are cited, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again by submitting a new initial license application packet and the required licensing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6713. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses.

1. Full Initial License. The department shall issue a full license to the FSBC when the initial licensing survey finds that the FSBC is compliant with all licensing laws and regulations, and is compliant with all other required statutes,

laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

2. Provisional Initial License. The department may issue a provisional initial license for a period not to exceed six months to an FSBC when the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or fees, but the department determines that the noncompliance does not present a threat to the health, safety or welfare of the clients. A provisional license may also be issued after an initial licensing survey to allow the FSBC to become accredited.

3. Full Renewal License. The department may issue a full renewal license to an existing licensed FSBC that is in substantial compliance with all applicable federal, state, departmental, and local statutes, laws, ordinances, rules, regulations, and fees. The license shall be valid until the expiration date shown on the license, unless the license is modified, revoked, suspended, or terminated.

4. Provisional License. The department, in its sole discretion, may issue a provisional license to an existing licensed FSBC for a period not to exceed six months for any of the following reasons.

a. The existing FSBC has more than five deficient practices or deficiencies cited during any one survey.

b. The existing FSBC has more than three substantiated complaints in a 12-month period.

c. The existing FSBC has been issued a deficiency that involved placing a client at risk for serious harm or death.

d. The existing FSBC has failed to correct deficient practices within 60 days of being cited for such deficient practices or at the time of a follow-up survey.

e. The existing FSBC is not in substantial compliance with all applicable federal, state, departmental and local statutes, laws, ordinances, rules, regulations, and fees at the time of renewal of the license.

f. When the department issues a provisional license, the FSBC shall submit a plan of correction to the department for approval and shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license. The department shall conduct a follow-up survey, either on-site or by desk review, of the FSBC prior to the expiration of the provisional license.

g. If the follow-up survey determines that the FSBC has corrected the deficient practices and has maintained compliance during the period of the provisional license, the department may issue a full license for the remainder of the year until the anniversary date of the FSBC license.

h. If the follow-up survey determines that all noncompliance or deficiencies have not been corrected, or if new deficiencies that are a threat to the health, safety, or welfare of a client are cited on the follow-up survey, the provisional license shall expire, and the facility shall be required to begin the initial licensing process again.

i. If the follow-up survey determines that most but not all noncompliance or deficiencies have been corrected, or if new deficiencies that are not a threat to the health,

safety, or welfare of a client are cited on the follow-up survey, a one-time extension of the provisional license may be granted at the discretion of the department.

j. The department shall issue written notice to the FSBC of the results of the follow-up survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 R.S. 40:2180.21-2180.28.

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

§6715. Changes in Licensee Information or Personnel

A. An FSBC license shall be valid only for the person or entity named in the license application and only for the specific geographic address listed on the license application.

B. Any permanent change regarding the entity FSBC's name, "doing business as" name, mailing address, telephone number, stated days and hours of operation, or any combination thereof, shall be reported in writing to the department within five business days of the change.

1. For any temporary closures of the FSBC greater than 24 hours, other than weekends or holidays, the FSBC shall notify HSS in advance.

2. At any time that the FSBC has an interruption in services or a change in the licensed location due to an emergency, the FSBC shall notify HSS no later than the next stated business day.

C. Any change regarding the FSBC's key administrative personnel shall be reported in writing to the department within 10 days of the change.

1. Key administrative personnel include the:

- a. administrator; and
- b. director of clinical midwifery services.

2. The FSBC's notice to the department shall include the individual's:

- a. name;
- b. address;
- c. hire date; and
- d. qualifications.

D. A CHOW of the FSBC shall be reported in writing to the department within five days of the change.

E. The license of an FSBC is not transferable or assignable and cannot be sold. The new owner shall submit the legal CHOW document, all documents required for a new license and the applicable licensing fee. Once all application requirements are completed and approved by the department, a new license shall be issued to the new owner.

1. An FSBC that is under license revocation, provisional licensure and/or denial of license renewal may not undergo a CHOW.

2. If the CHOW results in a change of geographic address, an on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to issuance of the new license.

F. If the FSBC changes its name without a change in ownership, the FSBC shall report such change to the department in writing five days prior to the change. The change in the FSBC's name requires a change in the license and payment of the required fee for a name change and reissuance of a license.

G. Any request for a duplicate license shall be accompanied by the applicable required fee.

H. If the FSBC changes the physical address of its geographic location without a change in ownership, the FSBC shall report such change to the department in writing

at least six weeks prior to the change. Because the license of an FSBC is valid only for the geographic location of that FSBC, and is not transferrable or assignable, the FSBC shall submit a new licensing application and the required fees, licensing inspection reports, and licensing plan reviews for the new location.

1. An on-site physical environment survey by the HSS, an on-site inspection by the OPH and the OSFM shall be required prior to the issuance of the new license.

2. The change in the FSBC's physical address results in a new anniversary date and the full licensing fee shall be paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6717. Renewal of License

A. The FSBC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet shall include the:

1. license renewal application;
2. non-refundable license renewal fee;
3. stated days and hours of operation;
4. current State Fire Marshal report;
5. current OPH inspection report;
6. proof of each insurance coverage as follows:

a. general liability insurance of at least \$300,000 per occurrence;

b. worker's compensation insurance of at least \$100,000 as required by state law;

c. professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified healthcare provider with the PCF:

i. if the FSBC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate;

d. the LDH HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

7. proof of a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000; and

8. any other documentation required by the department, if applicable.

B. The department may perform an on-site survey and inspection upon annual renewal of a license.

C. Failure to submit a completed license renewal application packet prior to the expiration of the current license will result in the voluntary non-renewal of the FSBC license. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the FSBC.

D. If an existing licensed FSBC has been issued a notice of license revocation, suspension or termination, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application and shall not issue a renewal license.

1. Subject to the provisions in D.2 of this section, if a timely administrative appeal has been filed by the FSBC

regarding the license revocation, suspension, or termination, the administrative appeal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the administrative tribunal or department issues a decision on the license revocation, suspension, or termination.

2. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of such action may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

3. The denial of the license renewal application does not affect in any manner the license revocation, suspension, or termination.

E. The renewal of a license does not in any manner affect any sanction, civil monetary penalty, or other action imposed by the department against the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6719. Deemed Status

A. A licensed FSBC may request deemed status once the center becomes accredited by an LDH authorized accreditation organization, or if the applicant has achieved accreditation prior to initial licensure and becomes licensed.

B. The department may approve the deemed status request and accept accreditation in lieu of periodic licensing surveys when the provider provides documentation to the department that shows:

1. the accreditation is current and was obtained through an LDH authorized accreditation organization;
2. all FSBC services provided under the FSBC license are accredited; and
3. the accrediting organization's findings.

C. If deemed status is approved, accreditation will be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys. Accreditation will not replace annual renewal of licensure. The FSBC shall annually apply to renew the provider license and meet licensure requirements.

D. To maintain deemed status, the center shall submit a copy of current accreditation documentation with its annual license renewal application.

E. The department may conduct unannounced complaint investigations on all FSBCs including those with deemed status.

F. The department may rescind deemed status and conduct a licensing survey for the following:

1. a valid complaint is received within the preceding 12 months;
2. the FSBC begins offering additional services;
3. a CHOW occurs;
4. a provisional license has been issued within the preceding 12-month period;
5. deficiencies have been identified within the preceding 12-month period that placed clients at risk for harm;
6. a treatment or service results in death or serious injury; or
7. a change in geographic location occurs.

G. The center shall notify HSS upon change in accreditation status within two business days.

H. The department shall rescind deemed status when the center loses its accreditation.

I. An FSBC approved for deemed status is subject to and shall comply with all provisions of this Chapter, except §6709.F and §6709.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6721. Survey Activities

A. The department may conduct periodic licensing surveys and other surveys as deemed necessary to ensure compliance with all laws, rules, and regulations governing FSBCs and to ensure client health, safety, and welfare. These surveys may be conducted on-site or by administrative review and shall be unannounced.

B. The department may require an acceptable plan of correction from the FSBC for any survey where deficiencies have been cited, regardless of whether the department takes other action against the FSBC for the deficiencies cited in the survey. The acceptable plan of correction shall be submitted for approval to the department within the prescribed timeframe.

C. A follow-up survey may be conducted for any survey where deficiencies have been cited to ensure correction of the deficient practices.

D. The department may issue appropriate sanctions for noncompliance, deficiencies and violations of law, rules, and regulations. Sanctions may include, but are not limited to:

1. civil fines;
2. directed plans of correction;
3. denial of license renewal; and/or
4. license revocation.

E. LDH surveyors and staff shall be:

1. given access to all areas of the FSBC and all relevant files and other documentation as necessary or required to conduct the survey:

a. for any records or other documentation stored onsite, such shall be provided within one to two hours of surveyor request; and

b. for any records or other documentation stored off-site, such shall be provided to the surveyor for review no later than 24 hours from the time of the surveyor's request.

2. allowed to interview any facility staff, client or other persons as necessary or required to conduct the survey; and

3. allowed to photocopy any records/files requested by surveyors during the survey process.

F. The department shall conduct complaint surveys in accordance with R.S. 40:2009.13 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6723. Statement of Deficiencies

A. Any statement of deficiencies issued by the department to an FSBC shall be available for disclosure to the public 30 days after the FSBC submits an acceptable plan of correction to the deficiencies or 90 days after the statement of deficiencies is issued to the FSBC, whichever occurs first.

B. Unless otherwise provided in statute or in these licensing provisions, the FSBC shall have the right to an informal reconsideration of any deficiencies cited as a result of a survey or investigation.

1. Correction of the violation, noncompliance, or deficiency shall not be the basis for the reconsideration.

2. The informal reconsideration of the deficiencies shall be requested in writing within 10 calendar days of receipt of the statement of deficiencies, unless otherwise provided in these standards.

3. The request for informal reconsideration of the deficiencies shall be made to HSS and will be considered timely if received by HSS within 10 calendar days of the FSBC's receipt of the statement of deficiencies.

4. If a timely request for an informal reconsideration is received, the department shall schedule and conduct the informal reconsideration. The FSBC shall be notified in writing of the results of the informal reconsideration.

5. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., and as provided in these licensing provisions for initial license denials, license revocations, and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6725. Denial of Initial License, Revocation of License, Denial of License Renewal

A. The department may deny an application for an initial license or a license renewal, or the department may revoke a license in accordance with the provisions of the Administrative Procedure Act.

B. Denial of an Initial License.

1. The department shall deny an initial license if the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations, or any other required statutes or regulations that present a potential threat to the health, safety or welfare of the clients.

2. The department shall deny an initial license for any of the reasons that a license may also be revoked or denied renewal pursuant to these licensing provisions.

3. If the department denies an initial license, the applicant for an FSBC license shall not render services to clients.

C. Voluntary Non-Renewal of a License. If the FSBC fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the facility.

D. Revocation of License or Denial of License Renewal. An FSBC license may be revoked or denied renewal for any of the following reasons, including but not limited to:

1. failure to be in substantial compliance with the FSBC licensing laws, rules, and regulations;

2. failure to be in substantial compliance with other required statutes, laws, ordinances, rules, or regulations;

3. failure to uphold client rights whereby deficient practices result in harm, injury, or death of a client;

4. failure to protect a client from a harmful act by an FSBC employee or other client on the premises including, but not limited to:

a. any action which poses a threat to client or public health and safety;

b. coercion;

c. threat or intimidation;

d. harassment;

e. abuse; or

f. neglect;

5. failure to notify the proper authorities, as required by federal or state law or regulations, of all suspected cases of the acts outlined in §6725.D.4.a-f;

6. failure to employ qualified personnel;

7. failure to submit an acceptable plan of correction for deficient practices cited during an on-site survey within the stipulated timeframes;

8. failure to submit the required fees, including but not limited to:

a. fees for address or name changes;

b. any fine assessed by the department; or

c. fee for a CHOW;

9. failure to allow entry into the FSBC or access to requested records during a survey;

10. failure to protect clients from unsafe care by an individual employed by the FSBC;

11. when the FSBC staff or owner knowingly (or with reason to know) makes a false statement of a material fact in any of the following:

a. the application for licensure;

b. data forms;

c. clinical records;

d. matters under investigation by the department;

e. information submitted for reimbursement from any payment source; or

f. advertising;

12. conviction of a felony or entering a plea of guilty or nolo contendere to a felony by an owner, administrator, or director of clinical midwifery services, as evidenced by a certified copy of the conviction;

13. failure to comply with all reporting requirements in a timely manner as requested by the department;

14. failure to comply with the terms and provisions of a settlement agreement with the department or an educational letter;

15. failure to repay an identified overpayment to the department or failure to enter into a payment agreement to repay such overpayment; or

16. failure to timely pay outstanding fees, fines, sanctions or other debts owed to the department.

E. In the event an FSBC license is revoked, renewal is denied, or the license is surrendered in lieu of an adverse action, any owner, officer, member, manager, director, or administrator of such FSBC is prohibited from owning, managing, directing, or operating another FSBC for a period of two years from the date of the final disposition of the revocation, denial action, or surrender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6727. Notice and Appeal of Initial License Denial, License Revocation, or Denial of License Renewal

A. Notice of an initial license denial, license revocation, or denial of license renewal shall be given to the FSBC in writing.

B. The FSBC has a right to an administrative reconsideration of the initial license denial, license revocation, or denial of license renewal. There is no right to an informal reconsideration of a voluntary non-renewal or surrender of a license by the FSBC.

1. The request for the administrative reconsideration shall be submitted within 15 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal. The request for administrative reconsideration shall be in writing and shall be forwarded to HSS.

2. The request for administrative reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. If a timely request for an administrative reconsideration is received by HSS, an administrative reconsideration shall be scheduled, and the FSBC will receive written notification of the date of the administrative reconsideration.

4. The FSBC shall have the right to appear in person at the administrative reconsideration and may be represented by counsel.

5. Correction of a violation or deficiency which is the basis for the initial license denial, revocation, or denial of license renewal shall not be a basis for reconsideration.

6. The administrative reconsideration process is not in lieu of the administrative appeals process.

7. The FSBC will be notified in writing of the results of the administrative reconsideration.

C. The FSBC has a right to an administrative appeal of the initial license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the FSBC.

1. The FSBC shall request the administrative appeal within 30 days of the receipt of the results of the administrative reconsideration.

a. The FSBC may forego its rights to an administrative reconsideration, and if so, shall request the administrative appeal within 30 days of the receipt of the notice of the initial license denial, license revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL. The request shall include any documentation that demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. Subject to the provisions in C.3.a of this Section, if a timely request for an administrative appeal is received by the DAL, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the FSBC shall be allowed to continue to operate and provide services until such time as the department issues a final administrative decision.

a. If the secretary of the department determines that the violations of the FSBC pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. If the secretary of the department makes such a determination, the FSBC will be notified in writing.

4. Correction of a violation or a deficiency which is the basis for the denial of initial licensure, revocation, or denial of license renewal shall not be a basis for an administrative appeal.

D. If an existing licensed FSBC has been issued a notice of license revocation, and the FSBC's license is due for annual renewal, the department shall deny the license renewal application. The denial of the license renewal application does not affect, in any manner, the license revocation.

E. If a timely administrative appeal has been filed by the FSBC on an initial license denial, denial of license renewal, or license revocation, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

1. If the final decision is to reverse the initial license denial, denial of license renewal or license revocation, the FSBC's license will be reinstated or granted upon the payment of any licensing fees, outstanding sanctions, or other fees due to the department.

2. If the final decision is to affirm the denial of license renewal or license revocation, the FSBC shall stop rendering services to clients.

a. Within 10 days of the final decision, the FSBC shall notify HSS, in writing, of the secure and confidential location where the client records will be stored.

F. There is no right to an informal reconsideration or an administrative appeal of the issuance of a provisional initial license to a new FSBC or the issuance of a provisional license to an existing FSBC. An FSBC that has been issued a provisional license is licensed and operational for the term of the provisional license. The issuance of a provisional license is not considered to be a denial of initial licensure, a denial of license renewal, or a license revocation.

G. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires due to noncompliance or deficiencies cited at the follow-up survey shall have the right to an informal reconsideration and the right to an administrative appeal of the validity of the deficiencies cited at the follow-up survey.

1. The correction of a violation, noncompliance, or deficiency after the follow-up survey shall not be the basis for the informal reconsideration or for the administrative appeal.

2. The informal reconsideration and the administrative appeal are limited to whether the deficiencies were properly cited at the follow-up survey.

3. The FSBC shall request the informal reconsideration in writing, which shall be received by the HSS within five calendar days of receipt of the notice of the results of the follow-up survey from the department.

4. The FSBC shall request the administrative appeal within 15 days of receipt of the notice of the results of the

follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the DAL.

5. An FSBC with a provisional initial license or an existing FSBC with a provisional license that expires under the provisions of this Chapter shall cease providing services to clients unless the DAL issues a stay of the expiration.

a. The stay may be granted by the DAL upon application by the FSBC at the time the administrative appeal is filed and only after a contradictory hearing is held, and the FSBC shows that there is no potential harm to the clients being served by the FSBC.

6. If a timely administrative appeal has been filed by the FSBC with a provisional initial license that has expired, or by an existing FSBC whose provisional license has expired under the provisions of this Chapter, the DAL shall conduct the hearing in accordance with the Administrative Procedure Act.

a. If the final decision is to remove all deficiencies, the FSBC's license will be reinstated upon the payment of any outstanding sanctions and licensing or other fees due to the department.

b. If the final decision is to uphold the deficiencies thereby affirming the expiration of the provisional license, the FSBC shall cease rendering services to clients.

i. Within 10 days of the final decision, the FSBC shall notify HSS in writing of the secure and confidential location where the client records will be stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6729. Cessation of Business

A. Except as provided in §6787 and §6789 of these licensing regulations, a license shall be immediately null and void if an FSBC ceases to operate.

B. A cessation of business is deemed to be effective the date on which the FSBC stopped offering or providing services to the community.

C. Upon the cessation of business, the FSBC shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the FSBC. The FSBC does not have a right to appeal a cessation of business.

E. The FSBC shall notify the department in writing 30 days prior to the effective date of the closure or cessation. In addition to the notice, the FSBC shall submit a written plan for the disposition of client clinical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access and confidentiality of the closed provider's clients' clinical records; and
3. appointed custodian(s) who shall provide the following:
 - a. access to records and copies of records to the client or authorized representative, upon presentation of proper authorization(s); and
 - b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;

4. public notice regarding access to records, in the newspaper with the largest circulation near the closing provider, at least 15 days prior to the effective date of closure.

F. If an FSBC fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning an FSBC for a period of two years.

G. Once the FSBC has ceased doing business, the center shall not provide services until the FSBC has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Subchapter B. Administration and Organization

§6735. Governing Body

A. An FSBC shall have an identifiable governing body with responsibility for, and authority over, the policies and activities of the FSBC, which shall include all contracts. The governing body is the ultimate governing authority of the FSBC and shall adopt bylaws which address its responsibilities. No contract or other arrangements shall limit or diminish the responsibilities of the governing body.

B. An FSBC shall have documents identifying the following information regarding the governing body:

1. names and addresses of all members;
2. terms of membership;
3. officers of the governing body; and
4. terms of office for any officers.

C. The governing body shall be comprised of one or more persons and shall hold formal meetings at least twice a year. There shall be written minutes of all formal meetings, and the bylaws shall specify the frequency of meetings and quorum requirements.

D. The governing body of an FSBC shall:

1. ensure the FSBC's continual compliance and conformity with all relevant federal, state, local, and municipal laws and regulations;
2. ensure that the FSBC is adequately funded and fiscally sound which entails:
 - a. verification of sufficient assets equal to \$100,000 or the cost of three months of operation, whichever is less; or
 - b. a letter of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000 or the cost of three months of operation, whichever is less;
3. review and approve the FSBC's annual budget;
4. designate a person to act as the administrator and delegate enough authority to this person to manage the day-to-day operations of the FSBC;
5. annually evaluate the administrator's performance;
6. have the authority to dismiss the administrator;
7. formulate and annually review, in consultation with the administrator, written policies and procedures concerning the FSBC's philosophy, goals, current services, personnel practices, job descriptions, fiscal management, and contracts:
 - a. the FSBC's written policies and procedures shall be maintained within the FSBC and made available to all staff during hours of operation;

8. determine, in accordance with state law, which licensed healthcare practitioners are eligible candidates for appointment to the FSBC staff;

9. ensure and maintain quality of care, inclusive of a quality assurance/performance improvement process that measures client, process, and structural (e.g. system) outcome indicators to enhance client care;

10. ensure that birthing procedures shall not be performed in areas other than the birthing rooms;

11. ensure that birthing procedures are initiated in accordance with acceptable standards of practice.

12. meet with designated representatives of the department whenever required to do so;

13. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the FSBC; and

14. ensure that pursuant to R.S. 40:1191.2, prior to the final disposition of a miscarried child, but not more than 24 hours after a miscarriage occurs in an FSBC, the FSBC shall notify the client, or if the client is incapacitated, the spouse of the client, both orally and in writing, of both of the following:

a. the parent's right to arrange for the final disposition of the miscarried child using the notice of parental rights form as provided for in R.S. 40:1191.3; and

b. the availability of a chaplain or other counseling services concerning the death of the miscarried child, if such services are provided by the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6737. Policies and Procedures

A. An FSBC shall develop, implement, and maintain written policies and procedures governing all services rendered at the FSBC. The FSBC shall comply with all federal and state laws, rules, and regulations in the development and implementation of its policies and procedures.

B. All policies and procedures shall be reviewed at least annually and revised as needed.

C. Direct care staff shall have access to information concerning clients that is necessary for effective performance of the employee's assigned tasks.

D. The FSBC shall have written policies and procedures for the maintenance and security of records, specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released.

E. The FSBC shall allow designated representatives of the department, in the performance of their mandated duties, to:

1. inspect all aspects of an FSBC's operations which directly or indirectly impact clients; and

2. interview any staff member or client.

F. An FSBC shall make any required information or records, and any information reasonably related to assessment of compliance with these provisions, available to the department.

G. An FSBC shall, upon request by the department, make available the legal ownership documents and any other legal contracts or agreements in place.

H. The FSBC shall have written policies and procedures approved by the governing body, which shall be

implemented and followed, that address, at a minimum, the following:

1. confidentiality and confidentiality agreements;

2. security of files;

3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation, and kickbacks;

4. personnel;

5. client rights;

6. grievance procedures;

7. emergency preparedness;

8. abuse and neglect;

9. incidents and accidents, including clinical emergencies;

10. universal precautions;

11. documentation, whether electronic or in paper form;

12. admission and discharge policies and procedures, inclusive of criteria for admission to, continuation in, and transfer out, of the FSBC;

13. hours outside of stated usual and customary operation, including, but not limited to early closures, extended business hours, and holidays; and

14. conditions for coverage, if applicable.

I. An FSBC shall have written personnel policies, which shall be implemented and followed, that include:

1. written job descriptions for each staff position, including volunteers;

2. policies which provide for staff, upon offer of employment, to have a health assessment as defined by the FSBC and in accordance with LAC Title 51, *Public Health-Sanitary Code* requirements;

3. policies which verify that all clinic employees, including contracted personnel, prior to, and at the time of employment and annually thereafter, shall be free of tuberculosis in a communicable state, in accordance with the current LAC Title 51, *Public Health-Sanitary Code*;

4. an employee grievance procedure;

5. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment, whether that abuse or mistreatment is done by another staff member, a family member, a client, or any other person;

6. a written policy to prevent discrimination; and

7. a written policy to address prohibited use of social media. The policy shall ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media and include, at a minimum, ensuring confidentiality of client information and preservation of client dignity and respect, including protection of client privacy and personal and property rights.

J. The FSBC shall maintain, in force at all times, the requirements for financial viability under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Subchapter C. Admissions, Transfers and Discharges

§6743. Prohibitions to Admission or Continued Care in an FSBC

A. The FSBC shall not knowingly accept or thereafter maintain responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous cesarean section or other known uterine surgery such as hysterotomy or myomectomy;

2. has a history of difficult to control hemorrhage with previous deliveries;

3. has a history of thromboembolism, deep vein thromboembolism, or pulmonary embolism;

4. is prescribed medication for diabetes, or has hypertension, Rh disease isoimmunization with positive titer, active tuberculosis, active syphilis, active gonorrhea, HIV positive or is otherwise immunocompromised, epilepsy, hepatitis, heart disease, kidney disease, or blood dyscrasia;

5. contracts primary genital herpes simplex during the pregnancy or manifests active genital herpes during the last four weeks of pregnancy;

6. has a contracted pelvis;

7. has severe psychiatric illness or a history of severe psychiatric illness in the six-month period prior to pregnancy;

8. has been prescribed narcotics in excess of three months during the pregnancy or is addicted to narcotics or other drugs;

9. ingests more than 2 ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;

10. smokes 20 cigarettes or more per day, and is not likely to cease in pregnancy;

11. has a multiple gestation;

12. has a fetus of less than 37 weeks gestation at the onset of labor;

13. has a gestation beyond 42 weeks by dates;

14. has a fetus in any presentation other than vertex at the onset of labor;

15. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;

16. has preeclampsia;

17. has a parity greater than five;

18. is younger than 16 or a primipara older than 40;

19. has been taking medications known to cause Neonatal Abstinence Syndrome;

20. has history of congenital heart disease;

21. has history of cardiac surgery(ies); or

22. labors greater than the 12-18 hours after rupture of membranes with no cervical change.

B. A licensed healthcare practitioner shall not knowingly render FSBC services outside of their scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6745. Admissions and Assessments

A. Each FSBC shall have written admission and assessment policies and criteria in accordance with the licensed healthcare practitioner's scope of practice. The FSBC shall have policies/procedures and written criteria for the evaluation of risk status, admission, transfer, discharge, and complications requiring medical or surgical intervention. The policies and procedures and written criteria shall be developed, implemented, enforced, monitored, and reviewed annually by the clinical staff and approved by the governing body.

B. An FSBC shall ensure that each client has the appropriate pre-natal and postpartum assessments completed, inclusive of suitability for less than 23-hour timeframe of client stay, ability of the FSBC to provide services needed in the postpartum period in accordance with the prescribed plan of care, and discharge plans to home or another licensed facility setting.

C. The history and physical assessment prior to delivery shall specify that the client is clinically cleared for delivery in an FSBC and meets the requirements for FSBC services and this Chapter pursuant to applicable state statutes.

D. Upon admission, each client shall have a perinatal assessment completed by qualified personnel. The perinatal assessment shall include, at a minimum:

1. an updated clinical record entry documenting an examination for any changes in the client's condition since completion of the most recently documented clinical history and physical assessment;

2. documentation of any known allergies to drugs and/or biological agents; and

3. documentation of a standardized risk assessment for postpartum hemorrhage.

E. The client's clinical history and physical assessment shall be placed in the client's clinical record.

F. The client's postpartum condition shall be assessed and documented in the clinical record by qualified personnel in accordance with applicable state health and safety laws, FSBC policies, and standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6747. Required Newborn Care

A. Each delivery shall be attended by two qualified personnel currently trained in:

1. adult cardiopulmonary resuscitation equivalent to American Heart Association Class C Basic Life Support;

2. Neonatal Resuscitation Program endorsed by American Academy of Pediatrics/American Heart Association; and

3. advanced cardiac life support (ACLS) certification in accordance with national accreditation standards.

B. The licensed healthcare practitioner shall be responsible for care of the newborn immediately following the delivery only. Subsequent infant care should be managed by a pediatrician or primary care physician. This does not preclude the licensed healthcare practitioner from providing counseling regarding routine newborn care and breastfeeding and arranging for the neonatal tests required by state law. If any abnormality is suspected, the newborn shall be sent for medical evaluation as soon as possible.

C. The licensed healthcare practitioner shall ensure that Vitamin K is available at the time of delivery and take appropriate measures designed to prevent neonatal hemorrhage.

D. The licensed healthcare practitioner is responsible for ensuring that all neonatal tests required by state law are performed, in the timeframe as delineated by the law. If the parents object to such tests being performed on the infant, the licensed healthcare practitioner shall document this

objection in the client's chart, notify and refer the newborn to the infant's pediatrician or primary care physician, and notify the appropriate authorities.

E. The licensed healthcare practitioner shall leave clear instructions for follow-up care, including signs and symptoms of conditions that require medical evaluation, especially fever, irritability, generalized rash, and lethargy.

F. The licensed healthcare practitioner shall be responsible for performing a glucose check for a newborn for conditions as recommended by the American Academy of Pediatrics.

G. The FSBC shall have a policy for oral glucose administration for the infant who does not respond to supplemental feedings in accordance with current standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6749. Physician Evaluation of Newborn

A. The licensed healthcare practitioner shall recommend that any infant delivered by the licensed healthcare practitioner be evaluated by a pediatrician or primary care physician within three days of age or sooner if it becomes apparent that the newborn needs medical attention for problems associated with, but not limited to, congenital or other anomalies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6751. Required Physician Consultation, Postpartum Period

A. The licensed healthcare practitioner shall obtain emergent medical consultation or refer for emergent medical care any woman who, during the postpartum period:

1. has a third-degree or fourth-degree perineal laceration;
2. has uterine atony;
3. bleeds in an amount greater than 500 milliliters and still continuing to bleed;
4. does not urinate or empty her genitourinary bladder within two hours of birth;
5. develops a fever greater than 100.4 degrees Fahrenheit or 38 degrees Centigrade on any two of the first 10 days postpartum, excluding the first 24 hours;
6. develops foul smelling lochia; or
7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin, and/or weak pulse.

B. The licensed healthcare practitioner shall obtain emergent medical consultation or refer for emergent medical care any infant who:

1. has an Apgar score of seven or less at five minutes;
2. has any obvious anomaly;
3. develops grunting respirations, retractions, or cyanosis;
4. has cardiac irregularities;
5. has a pale, cyanotic, or grey color;
6. develops jaundice within 48 hours of birth;
7. has an abnormal cry;
8. weighs less than 5 pounds or weighs more than 10 pounds;

9. shows signs of prematurity, dysmaturity, or post maturity;

10. has meconium staining of the placenta, cord, and/or infant with signs or symptoms of aspiration pneumonia;

11. does not urinate or pass meconium in the first 24 hours after birth;

12. is lethargic or does not feed well;

13. has edema;

14. appears weak or flaccid, has abnormal feces, or appears not to be normal in any other respect;

15. has persistent temperature below 97 degrees Fahrenheit per FSBC policy;

16. has jitteriness not resolved after feeding; or

17. has a blood glucose level of less than 45mg/dL.

C. The FSBC shall develop, implement, and enforce written policies to provide follow-up postpartum care to the newborn and the mother either directly or by referral. Follow up care may be provided in the FSBC, at the mother's residence, by telephone, or by a combination of these methods in accordance with accepted standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Subchapter D. Service Delivery

§6757. Perinatal Services

A. Perinatal services shall be well organized and provided in accordance with current acceptable national standards of practice adopted from national associations or organizations.

B. Birthing rooms shall be located to address privacy during occupancy for labor, birth, and postpartum care.

C. The FSBC shall ensure that the deliveries do not exceed the capabilities of the FSBC, and any length of client care does not exceed 23 hours post-delivery.

D. Except for the requirements of §6747.A. specific to deliveries, at least one licensed healthcare practitioner shall be immediately available whenever there is a client in the FSBC and shall have been trained in:

1. the use of emergency equipment;
2. adult cardiopulmonary resuscitation equivalent to American Heart Association Class C Basic Life Support;
3. Neonatal Resuscitation Program endorsed by American Academy of Pediatrics/American Heart Association; and
4. certified in advanced cardiac life support (ACLS).

E. A roster of licensed healthcare practitioners, specifying the delivery privileges of each, shall be kept in the FSBC and available to all staff.

F. Approved policies shall define which delivery procedures require a licensed healthcare practitioner who is acting within their scope of practice.

G. A birthing room register shall be accurately maintained and kept up-to-date and complete. This register shall be maintained for a six-year period. The register shall include, at a minimum, the:

1. client's complete name;
2. client's FSBC individual identification number;
3. licensed healthcare practitioner's name;
4. date and time of the delivery; and
5. type of delivery performed.

H. There shall be enough staff assigned to the postpartum care area to meet the needs of the clients. At a minimum, one qualified licensed healthcare practitioner shall be onsite and available for the length of any client stay in the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

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

§6759. Transfer Agreements and Client Transfers

A. The FSBC shall secure a written transfer agreement with at least one receiving hospital in the community with policies and procedures for timely transport.

B. If the FSBC is not able to secure a written transfer agreement, the licensed healthcare practitioner shall be responsible for the safe and immediate transfer of the patients from the FSBC to a hospital when a higher level of care is indicated.

C. The FSBC shall be responsible for developing written policies and procedures for the safe transfer of patients and coordination of admission, when necessary, into an inpatient facility. The written policy shall include, but not be limited to:

1. identification of the FSBC personnel who shall be responsible for the coordination of admission into an inpatient facility;

2. procedures for security inpatient services; and

3. procedures for the procurement of the pertinent and necessary copies of the patient's medical record that will be sent with the transferring patient so that the information may be included in the patient's inpatient medical record.

D. The FSBC shall be located within 20 minutes' transport time to a general acute care hospital providing obstetric services 24 hours per day and 7 days a week, with which the FSBC has a written transfer agreement. The FSBC shall maintain a contractual relationship with the general acute care hospital, including a written transfer agreement, which allows for an emergency caesarian delivery to begin within 30 minutes of the decision made by a licensed obstetrician at the receiving hospital that a caesarian delivery is necessary.

E. The licensed healthcare practitioner shall accompany any mother or infant requiring hospitalization to the hospital, giving any pertinent written records and verbal report to the physician assuming care. If possible, the licensed healthcare practitioner should remain with the mother and/or infant to ascertain outcome. In those instances where it is necessary to continue providing necessary care to the party remaining in the FSBC, the licensed healthcare practitioner may turn over the care of the transport of mother or child to qualified emergency or hospital personnel. All necessary written records shall be forwarded with such personnel and a verbal report must be given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

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

§6761. Discharges.

A. Each FSBC shall have written discharge policies and procedures. The written description of discharge policies shall be provided to the department upon request and made available to the client or his/her legal representative. The

FSBC shall ensure that all elements of the discharge requirements are completed.

B. The mother and newborn shall not be discharged less than two hours from time of delivery of the placenta.

C. The postpartum needs of each client shall be addressed and documented in the discharge notes.

D. Upon discharge, the FSBC shall:

1. provide each client with written discharge instructions, including written guidelines detailing how the client may get emergency assistance for herself and her newborn;

2. provide each client with all supplies deemed clinically necessary per the discharge orders, excluding medications;

3. coordinate care with a licensed healthcare practitioner and/or provide care and support during the immediate and no later than 36 hours of birth including, but not limited to:

a. maternal and newborn assessments and follow-up plans;

b. current recommended newborn screenings;

c. breastfeeding support and referral;

d. screening for postpartum mental health issues;

e. psychosocial assessment;

f. family planning services; and

g. referral for ongoing health issues

4. ensure that all clients are informed, either in advance of their delivery or prior to leaving the FSBC, of the following:

a. necessary prescriptions;

b. postpartum instructions that includes but is not limited to the following post-birth warning signs:

i. *P*-pain in your chest;

ii. *O*-obstructed breathing or shortness of breath;

iii. *S*-seizures;

iv. *T*-thoughts of hurting yourself or your baby;

v. *B*-bleeding that is soaking through one pad/hour, or blood clots the size of an egg or bigger;

vi. *I*-incision that is not healing;

vii. *R*-red or swollen leg that is painful or warm to touch;

viii. *T*-temperature of 100.4 degrees Fahrenheit or higher; and

ix. *H*-headache that does not improve, even after taking medicine for relief, or a bad headache with vision changes; and

c. licensed healthcare practitioner(s) contact information for follow-up care of the mother and her newborn.

E. The FSBC shall ensure that each client has a discharge order signed by the licensed healthcare practitioner who performed the delivery;

F. The FSBC shall ensure and document that all clients are discharged in the company of a responsible adult, except those clients exempted by the attending licensed healthcare practitioner. Such exemptions shall be specific and documented for individual clients. Blanket exemptions are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 2180.21-2180.28.

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

Subchapter E. Facility Responsibilities

§6767. General Provisions

A. FSBCs shall comply and show proof of compliance with all relevant federal, state, and local rules and regulations. It is the FSBC's responsibility to secure the necessary approvals from the following entities:

1. HSS;
2. OSFM architectural and licensing plan review;
3. OPH;
4. OSFM *Life Safety Code* inspection; and
5. the applicable local governing authority (e.g., zoning, building department or permit office).

B. The administrator, or designee, shall be accessible to FSBC staff or designated representatives of the department any time there is a client in the FSBC.

C. An FSBC shall have qualified staff sufficient in number to meet the needs of clients and to ensure provision of services.

D. The FSBC shall develop and maintain documentation of an orientation program for all employees, either contact or staff, that is of sufficient scope and duration to inform the individual about his/her responsibilities, how to fulfill them, review of policies and procedures, job descriptions, competency evaluations and performance expectations. An orientation program and documented competency evaluation and/or job expectations of assigned or reassigned duties shall be conducted prior to any assignments or reassignments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6769. Staffing Requirements

A. Administrative Staff. The following administrative staff is required for all FSBCs:

1. a qualified administrator at each licensed geographic location who shall meet the qualifications as established in these provisions;
2. other administrative staff as necessary to operate the FSBC and to properly safeguard the health, safety, and welfare of the clients receiving services; and
3. an administrative staff person on-call and available via telecommunication after routine daytime or office hours for the length of any client stay in the FSBC.

B. Administrator

1. Each FSBC shall have a qualified administrator who is a full-time on-site employee responsible for the day-to-day management, supervision, and operation of the FSBC.

2. Any current administrator employed by a licensed FSBC, at the time these licensing provisions are adopted and become effective, shall be deemed to meet the qualifications of the position of administrator as long as that individual holds his/her current position. If that individual leaves his/her current position, he/she shall be required to meet the qualifications stated in these licensing provisions to be re-employed into such a position.

3. The administrator shall meet the following qualifications:

- a. possess a college degree from an accredited university; and

b. have one year of previous work experience involving administrative duties in a healthcare facility.

4. Changes in the administrator shall be reported to the department within 10 days of the change on the appropriate form designated by the department.

C. The director of clinical midwifery services shall:

1. have a current, unrestricted Louisiana license as a physician, a CNM, or a licensed midwife;

2. be in good standing with the applicable state licensing board; and

3. shall have a minimum of one-year experience in a healthcare setting and possess the knowledge, skills and experience consistent with the complexity and scope of delivery services provided by the FSBC;

a. the director of clinical midwifery services holding dual administrative/midwifery director roles shall meet the qualifications of each role; and

b. changes in the director of clinical midwifery services shall be reported in writing to the department within 10 days of the change on the appropriate form designated by the department.

D. Responsibilities of the administrator and the director of clinical midwifery services. The administrator and the director of clinical midwifery services shall develop, adopt, implement, and monitor the policies and procedures of the FSBC and the professional services of the staff. The staff bylaws shall be maintained within the FSBC. The bylaws and rules shall contain provisions for at least the following:

1. developing the structure of the licensed healthcare practitioner staff, including qualified personnel and categories of membership;

2. developing, implementing, and monitoring policies and procedures to review credentials, at least every two years, and to delineate and recommend approval for individual privileges;

3. developing, implementing, and monitoring policies and procedures to ensure that all licensed healthcare practitioner staff possess current and unrestricted Louisiana licenses and that each member of the licensed practitioner staff is in good standing with his/her respective licensing board;

4. providing recommendations to the governing body for membership to the licensed healthcare practitioner staff with initial appointments and reappointments not to exceed two years;

5. developing, implementing, and monitoring policies and procedures for the suspension and/or termination of membership to the licensed healthcare practitioner staff;

6. developing, implementing, and monitoring criteria and frequency for review and evaluation of past performance of its individual staff members. This process shall include monitoring and evaluation of the quality of client care provided by each individual;

7. the appointment of committees as deemed appropriate;

8. reviewing and making recommendations for revisions to all policy and procedures at least annually; and

9. meeting at least semi-annually. One of these meetings shall be designated as the official annual meeting. A record of attendance and minutes of all licensed healthcare

practitioner staff meetings shall be maintained within the FSBC.

E. Licensed Healthcare Practitioner Staff

1. The FSBC shall have an organized licensed healthcare practitioner staff, inclusive of one or more of the following, who shall attend each woman in labor from the time of admission through birth and the immediate postpartum period:

- a. a licensed obstetrician;
- b. a certified nurse midwife; or
- c. a licensed midwife.

2. A licensed obstetrician providing birthing services within the FSBC shall:

- a. hold a current, unrestricted state license issued by the LSBME;
- b. be actively engaged in a clinical obstetrical practice;
- c. have hospital privileges in obstetrics in a hospital accredited by the Joint Commission; and
- d. practice within the scope of practice of a licensed physician in accordance with applicable state statutes and regulations.

3. A CNM or LM providing birthing services within the FSBC shall be a licensed healthcare practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

4. All licensed practitioner staff shall be accountable to the governing body for the quality of all perinatal care provided to clients and newborns, and for the ethical and professional practices of its members.

5. The licensed healthcare practitioner staff shall be legally and professionally qualified for the positions to which they are appointed and for the performance of privileges granted.

6. A licensed healthcare practitioner staff shall remain within the FSBC until all clients are assessed as stable.

7. The client's attending licensed healthcare practitioner staff, or designated on-call licensed healthcare practitioner staff, shall be available by telephone for consultation and evaluation of the client, and available to be onsite within 30 minutes if needed, until the client is discharged from the FSBC.

8. Each client admitted to the FSBC shall be under the professional supervision of a member of the FSBC's licensed healthcare practitioner staff who shall assess, supervise, and evaluate the care of the client.

9. Credentialing files for each staff shall be kept current and maintained within the FSBC at all times.

F. Delivery Services Staff. The staffing pattern shall provide for sufficient qualified personnel and for adequate supervision and direction by licensed healthcare practitioners consistent with the number of deliveries performed and throughout the length of any client stay in the FSBC.

1. Delivery services shall be under the direction of a licensed healthcare practitioner that includes a plan of administrative authority with written delineation of responsibilities and duties for each category of staff members.

2. The FSBC shall ensure that the delivery services are directed under the leadership of licensed healthcare practitioner(s) sufficient in number, and on duty at all times

that the FSBC is in operation and a client is in the center, to plan, assign, supervise, and evaluate delivery services, as well as to give clients the high-quality care that requires the judgment and specialized skills of licensed healthcare practitioners.

a. There shall be sufficient staff with the appropriate qualifications to assure ongoing assessment of clients' needs and that these identified needs are addressed. The number and types of staff is determined by the volume and types of delivery the FSBC performs.

3. All licensed healthcare practitioners employed, contracted, or working with the FSBC shall have a current, unrestricted, and valid Louisiana license to practice. Nonprofessional or unlicensed qualified personnel employed, contracted, and performing delivery care services shall be under the supervision of a licensed healthcare practitioner.

4. There shall be, at minimum, one licensed practitioner with ACLS certification on duty, in the building, and immediately available at any time there is a client in the FSBC in accordance with national accreditation standards.

5. A formalized program on in-service training shall be developed and implemented for all categories of the FSBC staff. Training shall be required on a quarterly basis related to required job skills.

a. Documentation of such in-service training shall be maintained on-site in the FSBC's files. Documentation shall include the:

- i. training content;
- ii. date and time of the training;
- iii. names and signatures of personnel in attendance; and
- iv. name of the presenter(s).

6. General staffing provisions for the delivery rooms shall be the following:

- a. each delivery procedure shall be performed by a licensed healthcare practitioner; and
- b. appropriately trained qualified personnel may perform assistive functions during each delivery procedure.

G. General Personnel Requirements

1. All licensed qualified personnel and FSBC employees, including contracted personnel shall meet and comply with these personnel requirements.

2. All licensed qualified personnel and FSBC employees, including contracted personnel, prior to and at the time of employment and annually thereafter, shall be verified to be free of tuberculosis in a communicable state in accordance with the FSBC's policies and procedures and the current Centers for Disease Control and Prevention (CDC) and the OPH recommendations.

3. All unlicensed qualified personnel involved in direct client care and/or services shall be supervised by a licensed healthcare practitioner.

4. A personnel file shall be maintained within the FSBC on every employee, including contracted employees. Policies and procedures shall be developed to determine the contents of each personnel file. At a minimum, all personnel files shall include the following:

- a. an application;
- b. current verification of professional licensure;
- c. healthcare screenings as defined by the FSBC;
- d. orientation and competency verification;

e. annual performance evaluations;
f. criminal background checks for unlicensed staff, prior to offer of direct or contract employment, after the effective date of this Rule, as applicable and in accordance with state law. The criminal background check shall be conducted statewide by the Louisiana State Police or its authorized agent; and

g. any other screenings required of new applicants by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6771. Medications for Mother and Newborn

A. The licensed healthcare practitioners may administer and/or order medications in accordance with their scope of practice and licensing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6773. Clinical Records

A. Each FSBC shall make provisions for securing clinical records of all media types, whether stored electronically or in paper form. The identified area or equipment shall be secured to maintain confidentiality of client records and shall be restricted to staff movement and remote from treatment and public areas.

B. All client records shall be protected from loss or damage.

C. The FSBC shall have a designated area located within the FSBC which shall provide for the proper storage, protection and security for all clinical records and documents.

D. The FSBC shall develop and maintain a unique clinical record for each client admitted and/or treated. Records may exist in hard copy, electronic format or a combination thereof.

E. The FSBC shall ensure the confidentiality of client records, including information in a computerized clinical record system, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) regulations and any state laws, rules and regulations.

1. If computerized records are used, the FSBC shall develop:

- a. a back-up system for retrieval of critical clinical records;
- b. safeguards/firewalls to prevent unauthorized use and access to information; and
- c. safeguards/firewalls to prevent alterations of electronic records.

F. A unique clinical record shall be maintained for every client admitted and/or treated.

G. The following data shall be documented and included as part of each client's basic clinical record:

1. unique client identification;
2. admission and discharge date(s) and times of mother and infant;
3. clinical and social history;
4. physical examination notes of mother and infant in accordance with clinical staff bylaws, policies and procedures;
5. diagnosis(es);

6. licensed practitioner's orders;
7. clinical laboratory report(s), if any;
8. pathology report(s), if any;
9. radiological report(s), if any;
10. consultation report(s), when appropriate;
11. delivery and treatment regimen;
12. licensed practitioner's progress notes;
13. nurses' records of care provided, and medications administered, if any;

14. authorizations, consents, or releases;
15. delivery report;

16. medication record to include, but not limited to:
 - a. type of medication or local anesthetic, if used;
 - b. route of medication administered, if any;
 - c. person administering the medication or local anesthetic, if used; and

- d. post-medication assessment, when appropriate;
17. name(s) of the treating licensed practitioner(s);
18. start and end time of the delivery procedure and time of birth of infant;

19. a current informed consent for delivery procedure and local anesthetics that includes the following:

- a. name of the client;
- b. client individual identification number;
- c. name of the procedure being performed;
- d. reasonable and foreseeable risks and benefits;
- e. name of the licensed healthcare practitioner(s) who will perform the procedure or delivery;

- f. signature of client or legal guardian or individual designated as having power of attorney for clinical decisions on behalf of the client, if any;

- g. date and time the consent was obtained; and
- h. signature and professional credential of the person witnessing the consent;

20. delivery procedures report(s);
21. client education and discharge instructions; and
22. a discharge summary, including:

- a. licensed healthcare practitioner progress notes; and
- b. discharge notes.

H. The clinical records shall be under the custody of the FSBC and maintained in its original, electronic, microfilmed or similarly reproduced form for a minimum period of 10 years from the date a client is discharged. The FSBC shall provide a means to view or reproduce the record in whatever format it is stored.

I. Clinical records may be removed from the premises for computerized scanning for the purpose of storage. Contracts, for the specific purpose of scanning at a location other than the FSBC, shall include provisions addressing how:

1. the clinical record shall be secured from loss or theft or destruction by water, fire, etc.; and
2. confidentiality shall be maintained.

J. Clinical records may be stored off-site provided that:

1. the confidentiality and security of the clinical records are maintained; and

2. a 12-month period has lapsed since the client was last treated in the FSBC.

K. Each clinical entry and all orders shall be signed by the licensed healthcare practitioner(s) and shall include the date and time. Clinical entries and any observations made by

the licensed healthcare practitioner(s) shall be signed by the licensed healthcare practitioner and shall include the date and time.

1. If electronic signatures are used, the FSBC shall develop a procedure to assure the confidentiality of each electronic signature and shall prohibit the improper or unauthorized use of any computer-generated signature.

2. Signature stamps shall not be used.

L. All pertinent observations, treatments, and medications given to a client shall be entered in the staff notes as part of the clinical record. All other notes relative to specific instructions from the licensed practitioner shall be recorded.

M. Completion of the clinical record shall be the responsibility of the admitting licensed healthcare practitioner within 30 days of client discharge.

N. All hardcopy entries into the clinical record shall be legible and accurately written in ink. The recording person shall sign the entry to the record and include the date and time of entry. If a computerized clinical records system is used, all entries shall be authenticated, dated and timed, complete, properly filed and retained, accessible and reproducible.

O. Written orders signed by a member of the licensed healthcare practitioner staff shall be required for all medications and treatments administered to clients and shall include the date and time ordered. Verbal orders shall include read-back verification. All verbal orders shall be authenticated by the ordering licensed healthcare practitioner within 48 hours to include the signature of the ordering licensed healthcare practitioner, date and time.

P. The use of standing orders is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6774. Other Records and Reports

A. The following indexes, records and registers shall be required of the licensed FSBC:

1. a client's register;
2. a birthing room register;
3. a birth register;
4. daily census report of admissions and discharges;
5. records of reportable diseases, if any, as required by state and/or federal regulations;
6. a laboratory log denoting laboratory specimen(s) that are sent for pathology interpretation, if any, and a CLIA certificate in accordance with the type laboratory procedures conducted in the center;
 - a. the laboratory log shall include, at a minimum, the following information:
 - i. the client's name;
 - ii. the specimen site; and
 - iii. the date the specimen was sent for pathology interpretation;
7. mortality records, including in the event of a miscarried child.

B. Nothing in this Chapter is intended to preclude the use of automated or centralized computer systems or any other techniques provided the regulations stated herein are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6775. Quality Assurance and Performance Improvement

A. The governing body shall ensure that there is an implemented, maintained, effective, written, data-driven, and ongoing program designed to assess and improve the quality of client care. This program shall include all services, provided directly or through contract.

B. The governing body shall ensure that it allocates sufficient staff, time, information systems, and training to implement the quality assurance and performance improvement (QAPI) program and for participation in the state perinatal quality collaborative, which is under the authority of the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality, defined as reporting perinatal measures determined by the Louisiana Commission on Perinatal Care and Prevention on Infant Mortality.

C. The FSBC shall ensure there is a written quality assurance plan for assessing and improving quality of care that is focused on problem-prone areas, and which specifies the intervals that the FSBC shall actively collect data related to the quality indicators and show participation in the state perinatal quality collaborative as required. Performance improvement activities shall consider incidence, prevalence, and severity of problems and those that can affect health outcomes, client safety, and quality of care. The plan shall describe the system for overseeing and analyzing the effectiveness of monitoring, evaluation, and sustained improvement activities. All services related to client care, including services furnished by a contractor shall be evaluated.

D. Nosocomial infections, client care outcomes, and perinatal and newborn care services performed in the FSBC shall be evaluated as they relate to appropriateness of care and services rendered.

E. The services provided by each licensed healthcare practitioner with FSBC privileges shall be periodically evaluated to determine whether they are of an acceptable level of quality and appropriateness in accordance with clinical staff bylaws/rules and regulations.

F. The QAPI program shall monitor, identify, and develop a plan for elimination of medication errors and adverse client (mother and infant) events.

G. Corrective actions to problems identified through the QAPI program, with on-going monitoring for sustained corrective action, shall be documented. All QAPI data shall be documented and remain within the FSBC. Staff education and training related to the correction of problems shall be documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Subchapter F. Safety, Sanitization and Emergency

Preparedness

§6779. General Provisions

A. The FSBC shall have policies and procedures, approved and implemented by the clinical staff and governing body, that address provisions for:

1. sanitizing, disinfecting, and sterilizing supplies, equipment, and utensils; and
2. the safe use of cleaning supplies and solutions that are to be used and the directions for use, including:
 - a. terminal cleaning of the birthing rooms; and
 - b. cleaning of the birthing rooms between delivery procedures.

B. Policies and procedures shall be developed, implemented, and approved by the FSBC's governing body for the types and numbers of sterilizing equipment and autoclaves sufficient to meet the sterilization needs of the FSBC.

1. Procedures for the proper use of sterilizing equipment for the processing of various materials and supplies shall be in writing, according to manufacturer's recommendations, and readily available to personnel responsible for the sterilizing process.

2. All sterilization monitoring logs shall be maintained within the FSBC for a minimum of 18 months.

C. All steam sterilizing equipment shall have live bacteriological spore monitoring performed at a frequency according to the manufacturer's instructions.

1. If tests are positive, a system shall be in place to recall supplies that have tested substandard in accordance with the FSBC's policies and procedures set forth by the FSBC's governing body.

D. All ethylene oxide sterilizing equipment shall have live bacteriological spore monitoring performed with each load and according to manufacturer's recommendation. There shall be ventilation of the room used for this sterilization to the outside atmosphere. There shall be a system in place to monitor trace gases of ethylene oxide with a working alert system which is tested and documented daily.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6781. Infection Control

A. The FSBC shall maintain an infection control program that minimizes infections and communicable diseases through prevention, investigation, and reporting of infections. This program shall include all contracted services.

B. The FSBC shall provide a functional and sanitary environment for the provision of delivery services by adopting and adhering to professionally accepted standards of practice. The FSBC shall have documentation that the infection control program was considered, selected, and implemented based on nationally recognized infection control guidelines.

C. The infection control program shall be under the direction of a designated and qualified professional. The FSBC shall determine that the individual selected to lead the infection control program has had documented training in

the principles and methods of infection control. The individual shall maintain his/her qualifications through ongoing education and training, which can be demonstrated by participation in infection control courses or in local and national meetings organized by a nationally recognized professional infection control society.

D. The FSBC shall develop, with the approval of the director of clinical midwifery services and the governing body, policies and procedures for preventing, identifying, reporting, investigating, controlling, and immediately implementing corrective actions relative to infections and communicable diseases of clients and personnel. At a minimum, the policies shall address:

1. hand sanitizers and hand hygiene;
2. use of all types of gloves and personal protective equipment, as appropriate;
3. scrub procedures;
4. linen cleaning and reuse;
5. waste management;
6. environmental cleaning;
7. reporting, investigating, and monitoring of infections;
8. sterilization and cleaning procedures and processes;
9. single use devices;
10. disinfecting procedures and processes;
11. breaches of infection control practices; and
12. utilization of clean and dirty utility areas.

E. The FSBC shall have policies and procedures developed and implemented which require immediate reporting, according to the latest criteria established by the CDC, OPH, and the Occupational Safety and Health Administration (OSHA), of the suspected or confirmed diagnosis of a communicable disease.

F. The FSBC shall maintain an infection control log of incidents related to infections. The log is to be maintained within the FSBC for a minimum of 18 months.

G. Any employee with a personal potentially contagious/or infectious illness shall report to his/her immediate supervisor and/or director of midwifery services for possible reassignment or other appropriate action to prevent the disease or illness from spreading to other clients or personnel.

1. Employees with symptoms of illness that have the potential of being potentially contagious or infectious (i.e. diarrhea, skin lesions, respiratory symptoms, infections, etc.) shall be either evaluated by a physician or another qualified licensed practitioner and/or restricted from working with clients during the infectious stage.

H. Provisions for isolation of clients with a communicable or contagious disease shall be developed and implemented according to FSBC policy and procedure.

I. Provisions for transfer of clients from the FSBC shall be developed and implemented according to FSBC policy and procedure.

J. The FSBC shall develop a system by which potential complications/infections that develop after discharge of a client from the FSBC are reported, investigated, and monitored by the infection control officer.

K. Procedures for isolation techniques shall be written and implemented when applicable.

L. The FSBC shall have a written and implemented waste management program that identifies, and controls

wastes and hazardous materials to prevent contamination and the spread of infection within the FSBC. The program shall comply with all applicable laws and regulations governing wastes and hazardous materials and the safe handling of these materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6783. Laundry Handling and Sanitation

A. The FSBC shall be responsible for ensuring the proper handling, cleaning, sanitizing, and storage of linen and other washable goods, whether provided by the FSBC or provided by a contracted vendor. All linen used in the FSBC shall be of sufficient quantity to meet the needs of the clients.

B. Laundry services shall be provided either in-house or through a contracted commercial laundry service in accordance with the FSBC's policies and procedures, as set forth by the governing body.

1. Contracted Laundry Service

a. If laundry service is contracted, the FSBC shall assess the cleaning and sanitizing processes that are used by the commercial laundry service.

2. In-House Laundry Service

a. If laundry services are provided in-house, policies and procedures shall be developed which follow manufacturer's recommended guidelines for water temperature, the method for cleaning and sanitizing reusable laundry, and the type of cleaning products utilized to prevent the transmission of infection through the FSBC's multi-use of these washable goods.

b. The water temperature shall be monitored and documented on the days of use.

C. Procedures shall be developed for the proper handling and distribution of linens to minimize microbial contamination from surface contact or airborne deposition.

D. Cross contamination of clean and dirty linen shall be prevented. Provisions shall be made for the separation of clean and soiled linen. All contaminated laundry shall be handled according to the FSBC's written protocols in accordance with current applicable OSHA and CDC guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6785. Emergency Preparedness and Emergency Procedures

A. Disaster and emergency plans shall be developed by the governing body, updated annually, and shall be based on a risk assessment using an all hazards approach for both internal and external occurrences. Disaster and emergency plans shall include provisions for persons with disabilities.

B. The FSBC shall develop and implement policies and procedures based on the emergency plan, risk assessment, and communication plan, which shall be reviewed and updated at least annually. Such policies shall include a system to track on duty staff and sheltered clients, if any, during the emergency.

C. The FSBC shall develop and maintain an emergency preparedness communication plan that complies with state and local laws. Client care shall be well-coordinated within

the FSBC, across healthcare providers, and with state and local public health departments and emergency systems.

D. The FSBC shall develop and maintain training and testing programs, including initial training in policies and procedures that demonstrate knowledge of emergency procedures. Such training shall be provided at least annually.

E. Additional Requirements

1. Each FSBC shall post exit signs and diagrams conspicuously through the facility.

2. Flashlights or battery-operated lamps for emergency use shall be available for FSBC personnel and clients in areas occupied by clients and visitors and kept in operational condition.

3. The FSBC shall ensure that emergency equipment is:

a. immediately available and sufficient in number for use during emergency situations;

b. appropriate for the FSBC's client population; and

c. maintained by appropriate personnel.

4. The FSBC shall have written policies and procedures that address the availability and appropriate use of emergency equipment in the FSBC's birthing rooms in keeping with the most recent AABC standards.

5. The FSBC shall have battery or an operable backup generator of sufficient size to support and maintain necessary life-sustaining medical equipment, emergency lighting, fire detection and extinguishing, gas monitoring systems, and alarm and security systems to provide for the health, safety, welfare, and the well-being of persons receiving services at FSBC; and to provide for the safe operation and maintenance of FSBC.

6. The FSBC is responsible for:

a. developing and implementing policies and procedures for the safe emergency transfer of clients and/or newborns from the FSBC if an emergency impacts the FSBC's ability to provide services to the client and/or the newborns;

b. developing policies that address what types of emergency procedures, equipment and medications shall be available; and

c. providing trained staff to sustain the life of the client or newborn prior to the transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6787. Inactivation of License due to a Declared Disaster or Emergency

A. An FSBC licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster, issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the FSBC intends to resume operation as an FSBC in the same service area; and

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services.

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete. The written request for extension shall show the FSBC's active efforts to complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC resumes operating in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties, if applicable; and

4. the FSBC continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon completion of repairs, renovations, rebuilding, or replacement, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The FSBC shall submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of reopening and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

c. The FSBC shall submit the following:

i. a copy of the approval letter of the architectural facility plans from the OSFM and any other office/entity designated by the department to review and approve the facility's architectural plans;

ii. a copy of the on-site inspection report with approval for occupancy by OSFM, if applicable; and

iii. a copy of the on-site health inspection report with approval of occupancy from OPH.

2. The FSBC resumes operating in the same service area within one year.

D. Upon receiving a completed written request to reinstate an FSBC license, the department shall conduct a licensing survey. If the FSBC meets the requirements for licensure and the requirements under this Section, the department may issue a notice of reinstatement of the FSBC license.

E. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

F. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6789. Inactivation of License due to a Non-Declared Emergency or Disaster

A. An FSBC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the FSBC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the FSBC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the facility intends to resume operation as an FSBC in the same service area;

c. the FSBC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the FSBC's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding, or replacement of the facility;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the FSBC requires an extension of the timeframe to complete construction or repairs due to circumstances beyond the FSBC's control, the department will consider an extended time period to complete such. Written request for extension shall show the FSBC's active efforts to complete construction or repairs and the reasons for request for extension of the FSBC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the FSBC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the FSBC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the FSBC license, the department shall issue a notice of inactivation of license to the FSBC.

C. Upon the FSBC's receipt of the department's approval of request to inactivate the license, the FSBC shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the FSBC to OSFM and OPH as required.

D. The FSBC shall resume operating as an FSBC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the FSBC, an FSBC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the FSBC shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate an FSBC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the FSBC has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW of the FSBC shall occur until such FSBC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as an FSBC.

H. The provisions of this Section shall not apply to an FSBC which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the FSBC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Subchapter G. Physical Environment

§6793. General Requirements

A. The standards in this Subchapter shall apply to any FSBC constructed after the effective date of this rule, or an FSBC that makes alterations, additions, or substantial rehabilitation to an existing FSBC or adaptation of an existing building to create an FSBC. Cosmetic changes to the FSBC such as painting, flooring replacement, or minor repairs shall not be considered an alteration or substantial rehabilitation.

EXCEPTION: For those applicants for FSBC licensure who received plan review approval from the OSFM before the effective date of the promulgation of this Rule, or who have begun construction or renovation of an existing building before the effective date of the promulgation of this Rule, the physical environment requirements of §6793 shall not apply.

B. An applicant for an FSBC license shall furnish one complete set of architectural plans and specifications to the entity/office designated by the department to review and approve the facility's architectural plans and the OSFM.

1. The office designated by the department to review and approve architectural drawings and specifications and the OSFM shall review and approve the *Life Safety Code* plans before construction can begin.

2. When the plans and specifications have been reviewed and all inspections and investigations have been made, the applicant will be notified whether the plans for the proposed FSBC have been approved.

C. No alterations, other than minor alternations, shall be made to existing facilities without the prior written approval of, and in accordance with, architectural plans and specifications approved in advance by the department, or its designee, and the OSFM.

D. All new construction, additions and renovations, other than minor alterations, shall be in accordance with the specific requirements of the OSFM and the department, or its designee, who shall be responsible for the review and

approval of architectural plans. Plans and specifications submitted to these offices shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

E. All designs and construction shall be in accordance with the provisions of LAC Title 51, *Public Health-Sanitary Code*.

F. Facility within a Facility

1. If more than one healthcare provider occupies the same building, premises, or physical location, all treatment facilities and administrative offices for each healthcare facility shall be clearly separated from the other by a clearly defined and recognizable boundary.

2. There shall be clearly identifiable and distinguishable signs posted inside the building as well as signs posted on the outside of the building for public identification of the FSBC. Compliance with the provisions of R.S. 40:2007 shall be required.

3. An FSBC that is located within a building that is also occupied by one or more other businesses and/or other healthcare facilities shall have all licensed spaces and rooms of the FSBC contiguous to each other and defined by cognizable boundaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

§6795. General Appearance and Space Requirements

A. The FSBC shall be constructed, arranged, and maintained to ensure the safety and well-being of the clients and the general public it serves in accordance with the current Facility Guidelines for Design and Construction of Hospitals and Outpatient Facilities approved by the OSFM.

B. The FSBC shall have a minimum of two birthing rooms to meet the needs of the clients being served. In addition to the birthing rooms, the FSBC may also have one or more treatment rooms.

C. The location of the birthing rooms within the FSBC, and the access to it, shall conform to professionally accepted standards of practice, particularly for infection control, with respect to the movement of people, equipment and supplies in and out of the birthing rooms.

1. The location shall have a working heating, ventilation, and air conditioning system that is monitored and adjusted according to the needs of the client.

D. Birthing Rooms

1. The birthing rooms shall be constructed in accordance with the current OSFM approved standards.

2. The area of the birthing rooms shall be in a segregated and secured section of the FSBC and shall be removed from general lines of traffic of both visitors and other FSBC personnel, and from other departments to prevent traffic through them.

3. The birthing rooms shall be appropriately equipped to safely provide for the needs of the client and in accordance with accepted clinical practices. The birthing rooms shall consist of a clear and unobstructed floor area to accommodate the equipment and personnel required, allowing for aseptic technique. Only one birthing procedure shall be performed in a birthing room.

E. There shall be sufficient space between and around lounge chairs/stretchers and between fixed surfaces and

lounge chairs/stretchers to allow for clinical staff access to each client.

F. The FSBC shall have a separate waiting area sufficient in size to provide adequate seating space for family members and/or guests of the client.

G. The FSBC shall meet the following requirements including, but not limited to:

1. a sign shall be posted on the exterior of the FSBC that can be viewed by the public which shall contain, at a minimum, the “doing business as” name that is stated on the FSBC’s license issued by the department;

2. signs or notices shall be prominently posted in the FSBC stipulating that smoking is prohibited in all areas of the FSBC;

3. policies and procedures shall be developed for maintaining a clean and sanitary environment at all times;

4. there shall be sufficient storage space for all supplies and equipment. Storage space shall be located away from foot traffic, provide for the safe separation of items, and prevent overhead and floor contamination;

5. all client care equipment shall be clean and in working order. Appropriate inspections of client care equipment shall be maintained according to manufacturer’s recommendations and FSBC policies and procedures; and

6. each FSBC shall provide for a covered entrance, well-marked, and illuminated for drop off and/or pick up of clients before and after delivery services are complete. The covered entrance shall extend to provide full overhead coverage of the entire transporting automobile and/or ambulance to permit protected transfer of clients. Vehicles in the loading area should not block or restrict movement of other vehicles in the drive or parking areas immediately adjacent to the FSBC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 because it will provide for the safety and welfare for those receiving these services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level and qualifications

required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider’s ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Free-Standing Birth Centers Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$12,312 will be expended in FY 21-22 for the state’s administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will result in additional licensing fees collected, dependent upon the number of providers that may apply to the program.

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

In compliance with Act 332 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule repeals the existing LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the Louisiana Administrative Code and replaces it with provisions governing the licensing of free-standing birth centers. This proposed rule will benefit patients by providing

for the safety, health, welfare, and well-being of persons receiving these services. It is anticipated that implementation of this proposed rule will have economic cost for free-standing birth centers; however, the costs are indeterminable since there is no way to establish how many facilities will apply for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2205#045

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for
Persons with Intellectual Disabilities
Temporary Reimbursement for Private Facilities
(LAC 50:VII.32904)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:VII.32904 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing temporary reimbursement for private non-state intermediate care facilities for persons with intellectual disabilities in order to include a direct care add-on for increased cost related to retaining and hiring direct care staff and to establish a minimum hourly wage for direct care workers (*Louisiana Register*, Volume 48, Number 4). This proposed Rule is being promulgated to continue the provisions of the April 1, 2022 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - D.4...

E. The Medicaid daily rate will include a direct care \$12 add-on to reimburse providers for increased cost related to retaining and hiring direct care staff. This add-on will be discontinued upon the next rebase, or at the discretion of the department.

NOTE: Medicaid providers have up to a year from the date of service to bill Medicaid for their claims. The provisions of this Subsection will apply to claims effective for dates of service on or after January 1, 2022.

1. Effective April 1, 2022, the minimum hourly wage floor paid to directly employed (non-contracted) non-nursing/physician direct care worker shall be \$9 per hour.

a. Directly employed non-nursing/physician direct care workers will include any employee whose wage expense is reported on sch H – expenses lines A.2. – A.8. on the Medicaid cost report.

b. Providers shall submit to the department or its representatives all requested documentation to verify compliance with the direct care wage floor.

i. This documentation may include, but is not limited to, payroll records, wage and salary documents, payroll check stubs and supplemental cost report schedules.

ii. Providers shall produce the required documentation upon request and within the time frame indicated by the department, or the provider may be subject to sanctions, full recoupment of add-on payments received, and/or disenrollment in the Medicaid Program.

c. Providers with directly employed non-nursing/physician direct care worker(s) that is (are) identified as not meeting the minimum hourly wage floor requirement shall be subject to a recoupment that is calculated as the differential between the minimum hourly wage floor and the actual hourly wage paid for all hours worked during the reporting period by the specific employee(s) that did not meet the minimum hourly wage floor requirement. This recoupment shall not exceed the total amount paid to the provider for the \$12 direct care add-on in a state fiscal year. This penalty is not mutually exclusive of any other direct care floor or related penalty. Additionally, any recoupment as a result of the wage floor will not impact any other direct care floor recoupment calculation.

i. The hourly wage of a directly employed non-nursing/physician direct care worker will be calculated as the total regular (non-overtime) wage expense (exclusive of bonus, benefits, etc.) divided by the total regular (non-overtime) hours worked during the reporting period.

2. Effective April 1, 2022, a facility wide direct care floor is established at 75 percent of the per diem for direct care payment and at 100 percent of the \$12 direct care add-on payment for year. In no case shall a facility receiving this add-on payment have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor. For facilities that also receive add-on payments related to complex care or pervasive plus, the greater of the direct care floors will be applicable.

a. If the direct care cost the facility incurred on a per diem basis, plus add-on, is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report.

b. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

c. Direct care floor recoupment as a result of a facility not meeting the required direct care per diem floor is considered effective 30 days from the issuance of the original notice of determination. Should an informal reconsideration be requested, the recoupment will be considered effective 30 days from the issuance of the results

of an informal hearing. The filing of a timely and adequate notice of an administrative appeal does not suspend or delay the imposition of a recoupment(s).

d. The direct care floor recoupment is not mutually exclusive of any penalty related to not meeting the minimum direct care wage floor or any other penalty.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it will increase the ability of ICFs to recruit and retain direct care staff.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct or indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170, since this proposed Rule increases payments to providers for the same services they already render.

Public Comments

Interested persons may submit written comments to Patrick Gilles, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Mr. Gilles is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the

Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Intermediate Care Facilities for Persons with Intellectual Disabilities Temporary Reimbursement for Private Facilities

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

It is anticipated that implementation of this proposed rule will result in estimated programmatic costs of approximately \$1,816,585 for FY 21-22, \$5,468,210 for FY 22-23 and \$5,468,210 for FY 23-24. It is anticipated that \$864 (\$432 SFG and \$432 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$5,188,339 for FY 21-22, \$11,341,534 for FY 22-23 and \$11,341,534 for FY 23-24. It is anticipated that \$432 will be collected in FY 21-22 for the federal share of the expense of promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the April 1, 2022 emergency rule which amended the provisions governing temporary reimbursement for private non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to include a direct care add-on for increased cost related to retaining and hiring direct care staff and to establish a minimum hourly wage for direct care workers. The proposed rule will be beneficial to ICFs/IID as it will increase their ability to recruit and retain direct care staff. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by \$7,004,060 for FY 21-22, \$16,809,744 for FY 22-23, and \$16,809,744 for FY 23-24.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

It is anticipated that the implementation of this rule will have a positive effect on competition and employment by assisting providers to recruit and retain sufficient direct care staff.

Patrick Gillies
Medicaid Executive Director
2205#046

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities—Levels of Care
(LAC 50:II.10154 and 10156)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:II.10154 and §10156 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing the standards for payment for nursing facilities in order to: 1) reflect the change in the current assessment tool utilized for level of care determinations; and 2) modify the pathway criteria language in order to include updated terminology contained within the new assessment tool.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 3. Standards for Payment

Chapter 101. Standards for Payment for Nursing Facilities

Subchapter G. Levels of Care

§10154. Nursing Facility Level of Care Determinations

A. ...

B. In order for an individual to meet nursing facility level of care (NFLOC), functional and medical eligibility must be met as set forth and determined by the Office of Aging and Adult Services (OAAS). The functional and medical eligibility process is frequently referred to as the “nursing facility level of care determination.”

C. ...

D. Individuals who are approved by OAAS, or its designee, as having met NFLOC must continue to meet medical and functional eligibility criteria on an ongoing basis.

E. A LOC screening conducted via telephone shall be superseded by a face-to-face LOC assessment, or audit review LOC determination as determined by OAAS or its designee.

F. - G. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:2083 (November 2006), amended by the Office of Aging and Adult Services, LR 34:1032 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:341 (January 2011), LR 39:1471 (June 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§10156. Level of Care Pathways

A. - B. ...

C. The level of care pathways elicit specific information, within a specified time period, regarding the individual's:

1. - 4. ...

D. Activities of Daily Living Pathway

1. - 2. ...

3. The ADLs for which the LOC assessment elicits information include but are not limited to:

a. locomotion—how the individual moved around in his or her home;

b. dressing—how the individual dressed/undressed;

c. eating—how the individual ate or consumed food (this does not include meal preparation);

d. bed mobility—how the individual moved around while in bed;

e. transferring—how the individual moved from one surface to another (this excludes getting on and off of the toilet and getting in and out of the tub/shower);

f. toileting—how the individual got on and off the toilet (toilet transfer), wiped, arranged clothes, etc.;

g. personal hygiene—how the individual managed personal hygiene (this excludes baths/showers); and

h. bathing—how the individual took a full-body bath or shower (this excludes washing of hair and back).

4. Since an individual can vary in ADL performance from day to day, OAAS trained assessors shall capture the total picture of ADL performance over the specified time period.

5. In order for an individual to be approved under the ADL Pathway, the individual must score at the:

a. limited assistance level or greater on toileting, transferring, or bed mobility; or

b. ...

E. Cognitive Performance Pathway

1. This pathway identifies individuals with the following cognitive difficulties:

a. short-term memory which determines the individual's functional capacity to remember recent events;

b. cognitive skills for daily decision making which determines the individual's actual performance in making everyday decisions about tasks or activities of daily living such as:

i. planning how to spend their day;

ii. choosing what to wear;

iii. knowing when to eat;

iv. knowing and using space in home appropriately;

- v. using awareness of one's own strengths and limitations to ask for help when needed;
- vi. using environmental cues to organize and plan the day;
- vii. making prudent decisions regarding how and when to go places; and
- viii. using canes/walkers or other assistive devices/equipment reliably.

c. ...

2. In order for an individual to be approved under the cognitive performance pathway, the individual must have any one of the conditions noted below:

- a. severely impaired or greater impairment in daily decision making (e.g., never or rarely makes decisions);
- b. have a short-term memory problem and moderately impaired in daily decision making(e.g., the individual's decisions are consistently poor or unsafe, and cues or supervision are required at all times);
- c. have a short-term memory problem and the individual is sometimes understood (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood;
- d. moderately impaired in daily decision making and the individual is often understood (e.g., the individual has difficulty finding words or finishing thoughts, and prompting is usually required);
- e. moderately impaired in daily decision making and the individual is sometimes understood (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood; or
- f. minimally impaired in daily decision making (e.g., his/her decisions are poor or unsafe in specific situations, and cues or supervision are needed) and the individual is sometimes understood, (e.g., the individual's ability is limited to making concrete requests) or is rarely or never understood;

g. - i. Repealed.

F. Physician Involvement Pathway

1. - 3.b....

4. Supporting documentation is required and must include:

- a. ...
- b. the home health care plans, or other medical provider documentation documenting the diagnosis, treatments, and conditions within the designated time frames; or

c. ...

G. Treatments and Conditions Pathway

1. - 2.h....

3. In order for an individual to be approved under the treatments and conditions pathway, the individual must have:

- a. ...
- b. supporting documentation for the specific condition(s) identified. Acceptable documentation must include:
 - i. ...

- ii. the home health care plans, or other medical provider documentation documenting the diagnosis, treatments and conditions within the designated time frames; or

iii. ...

H. Skilled Rehabilitation Therapies Pathway

1. - 2.b. ...

3. Supporting documentation of the therapy received/scheduled during the look-back/look-forward period is required and must include:

- a. ...
- b. the home health care plan, or other medical provider documentation notes indicating the received/scheduled therapy;

H.3.c. - J.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:342 (January 2011), amended LR 39:1471 (June 2013), LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 43:2187 (November 2017), LR 44:1019 (June 2018), LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities—Levels of Care**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$1,188 (\$594 SFG and \$594 FED) will be expended in FY 21-22 for the state's administrative expenses for promulgation of this proposed rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$594 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing the standards for payment for nursing facilities in order to: 1) reflect the change in the current assessment tool utilized for level of care determinations; and 2) modify the pathway criteria language in order to include updated terminology contained within the new assessment tool. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers in FY 21-22, FY 22-23, and FY 23-

24, but will be beneficial by ensuring that the language in the administrative rule is consistent with the new assessment tool.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Patrick Gillies
Medicaid Executive Director
2205#047

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Personal Assistant Services
Employment Support
(LAC 50:XV.Subpart 11)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to repeal LAC 50:XV.Subpart 11 in the Medical Assistance Program in its entirety as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to repeal the provisions of LAC 50:XV.Subpart 11 governing personal assistant services in its entirety since employment support was never implemented.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 11. Personal Assistant Services
Chapter 141. Employment Support**

§14101. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14103. Covered Services

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1487 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14105. Recipient Qualifications

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14107. Recipient Rights

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14109. Standards for Participation

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1488 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14113. Place of Service

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14115. Service Limitations

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

§14117. Reimbursement Methodology

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:1489 (August 2003), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or

family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on June 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 29, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Personal Assistant Services Employment Support

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$756 (\$378 SFG and \$378 FED) will be expended in FY 21-22 for the state's administrative expenses for promulgation of this proposed rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$378 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule repeals the provisions of LAC 50:XV.Subpart 11 governing personal assistant services in its entirety since employment support was never implemented. It is anticipated that implementation of this proposed rule will not result in costs or benefits to providers or small businesses in FY 21-22, FY 22-23, and FY 23-24, since the services were never implemented.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Patrick Gillies
Medicaid Executive Director
2205#048

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 31—Holding Company
(LAC 37:XIII.133 and 135)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 31—Holding Company. The purpose of the amendment to Regulation 31 is to add provisions for exemptions to the filing of reviewed financial statements for both Form A and Form B.

**Title 37
INSURANCE**

Part XIII. Regulations

**Chapter 1. Regulation Number 31—Holding Company
§133. Form A—Acquisition of Control or Merger with a
Domestic Insurer**

STATEMENT REGARDING THE ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

Name of Domestic Insurer

By

Name of Acquiring Person (Applicant)

Filed with the Insurance Department of

(State of domicile of insurer being acquired)

Dated: _____, 20 _____

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should Be Addressed:

ITEM 1. INSURER AND METHOD OF ACQUISITION

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

- (a) State the name and address of the applicant seeking to acquire control over the insurer.
- (b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Provide a brief but informative description of the business intended to be done by the applicant and the applicant's subsidiaries.
- (c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than 1/2 of 1 percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings, and the date when commenced.

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

On the biographical affidavit, include a third party background check, and state the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10 percent or more of the voting securities of the applicant if the applicant is not an individual.

- (a) Name and business address;
- (b) Present principal business activity, occupation or employment, including position and office held, and the name, principal business, and address of any corporation or other organization in which such employment is carried on;
- (c) Material occupations, positions, offices, or employment during the last five years, giving the starting and ending dates of each and the name, principal business, and address of any business corporation or other organization in which each such occupation, position, office, or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension, or disciplinary proceedings in connection therewith.
- (d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

ITEM 4. NATURE, SOURCE, AND AMOUNT OF CONSIDERATION

- (a) Describe the nature, source, and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes, and security arrangements relating thereto.
- (b) Explain the criteria used in determining the nature and amount of such consideration.
- (c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.

ITEM 5. FUTURE PLANS OF INSURER

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge or consolidate it with any person or persons, or to make any other material change in its business operations or corporate structure or management.

ITEM 6. VOTING SECURITIES TO BE ACQUIRED

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

ITEM 7. OWNERSHIP OF VOTING SECURITIES

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates, or any person listed in Item 3.

ITEM 8. CONTRACTS, ARRANGEMENTS, OR UNDERSTANDINGS WITH RESPECT TO VOTING SECURITIES OF THE INSURER

Give a full description of any contracts, arrangements, or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3 is involved including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss, or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into.

ITEM 9. RECENT PURCHASES OF VOTING SECURITIES

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates, or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

ITEM 10. RECENT RECOMMENDATIONS TO PURCHASE

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates, or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates, or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement.

ITEM 11. AGREEMENTS WITH BROKER-DEALERS

Describe the terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto.

ITEM 12. FINANCIAL STATEMENTS AND EXHIBITS

- (a) Financial statements, exhibits, and three-year financial projections of the insurer(s) shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.
- (b) The financial statements of the acquiring party shall include the annual financial statements for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business. In addition, the Commissioner may also request financial statements for any person identified in Item 2(c).

Unless the commissioner permits otherwise, the annual financial statements of the applicant and the ultimate controlling person of the applicant shall be accompanied by the certificate of an independent certified public accountant to the effect that such statements present fairly the financial position of the applicant and the ultimate controlling person of the applicant and the results of their operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer who is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

Unless the commissioner permits otherwise, any ultimate controlling person of the applicant who is an individual may file personal financial statements that are reviewed rather than audited by an independent certified public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent certified public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

An ultimate controlling person of the applicant who is an individual that does not prepare audited or reviewed financial statements in the ordinary course of business may submit a written waiver request to file a sworn unaudited balance sheet in lieu of an audited or reviewed financial statement. Note that the waiver pertains only to the requirement to file audited or reviewed financial statements. The requirement to file a sworn unaudited balance sheet cannot be waived.

- (c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting materials relating thereto, any proposed employment, consultation, advisory, or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or §131.A and 131.C of Regulation 31.

ITEM 13. AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT

Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within 15 days after the end of the month in which the acquisition of control occurs.

ITEM 14. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of R.S. 22:691.4, _____ has caused this application to be duly signed on its behalf in the City/Parish of _____ and state of _____ on the _____ day of _____, 20 _____.

(SEAL)

Name of Applicant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that(s) he has duly executed the attached application dated , 20 _____, for and on behalf of _____ that (s)he is the _____ of such company that (s)he is authorized to execute and file such instrument.
(Name of Applicant) (Title of Officer)

Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information, and belief.

(Signature)

(Type or print name beneath)

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:691.6 and 22:691.11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 18:274 (March 1992), amended LR 19:501 (April 1993), amended by the Office of the Commissioner, LR 41:1301 (July 2015), LR 42:1935 (November 2016), LR 48:

§135. Form B—Annual Registration Statement

INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

Filed with the Insurance Department of the State of _____

By

(Name of Registrant)

On Behalf of Following Insurance Companies

Name	Address

Date: _____, 20 _____

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should Be Addressed:

ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

Furnish the exact name of each insurer registering or being registered (hereinafter called "the Registrant"), the home office address and principal executive offices of each; the date of which each Registrant became part of the insurance holding company system; and the method(s) by which control of each Registrant was acquired and is maintained.

ITEM 2. ORGANIZATIONAL CHART

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. No affiliate need be shown if its total assets are equal to less than 1/2 of 1percent of the total assets of the ultimate controlling person within the insurance holding company system unless it has assets valued at or exceeding (insert amount). The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 3. THE ULTIMATE CONTROLLING PERSON

As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) Name
- (b) Home office address
- (c) Principal executive office address
- (d) The organizational structure of the person, (i.e., corporation, partnership, individual, trust, etc.)
- (e) The principal business of the person
- (f) The name and address of any person who holds or owns 10 percent or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.

(g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings, and the date when commenced.

ITEM 4. BIOGRAPHICAL INFORMATION

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations.

ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force; and transactions currently outstanding or which have occurred during the last calendar year between the Registrant and its affiliates:

- (1) loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the Registrant or of the Registrant by its affiliates;
- (2) purchases, sales, or exchanges of assets;
- (3) transactions not in the ordinary course of business;
- (4) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the Registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the Registrant's business;
- (5) all management agreements, service contracts, and all cost-sharing arrangements;
- (6) reinsurance agreements;
- (7) dividends and other distributions to shareholders;
- (8) consolidated tax allocation agreements; and
- (9) any pledge of the Registrant's stock and/or of the stock of any subsidiary or controlling affiliate for a loan made to any member of the insurance holding company system.

Sales, purchases, exchanges, loan or extensions of credit, investments or guarantees involving the amounts specified in R.S. 22:691.6(D) or less of the Registrant's admitted assets as of the thirty-first day of December next preceding, or such transactions as set forth below, shall not be deemed material.

Sales, purchases, exchanges, loan or extensions of credit, investments or guarantees of less than \$25,000 shall not be deemed material even if such transaction would otherwise be deemed material under the provisions of R.S.22:691.6(D). Additionally, transactions that fall between \$25,000 and \$250,000 shall not be deemed material unless such transaction involves .0075 of the admitted assets of the insurer as of the thirty-first day of December next preceding.

The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the Registrant.

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and
- (b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership, or other corporate reorganizations.

ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

ITEM 8. FINANCIAL STATEMENT AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the holding company system as of the end of the person's latest fiscal year. Financial statements are required for an ultimate controlling person who is an individual as well as for a corporation or other type of business organization. If a holding company system includes more than one ultimate controlling person, annual financial statements are required for each ultimate controlling person.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Other than with respect to the foregoing, such financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Commissioner. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the commissioner otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent certified public accountant to the effect that the statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of that state.

Unless the commissioner otherwise permits, any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent certified public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the Personal Financial Statements Guide by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent certified public accountant's Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

An ultimate controlling person who is an individual may file a sworn unaudited balance sheet in lieu of an audited or reviewed financial statement if:

A. The Registrant is licensed and writing only in Louisiana, OR

B(1). The ultimate controlling person does not prepare audited or reviewed financial statements in the ordinary course of business,

AND

(2) The Registrant's premium volume as reported in its most recently filed annual statement is below the threshold of \$300 million total direct and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program.

The requirement to file a sworn unaudited balance sheet in lieu of audited or reviewed financial statements cannot be waived.

Filing of an application for the waiver and receipt of a waiver letter are not necessary if either of the above eligibility criteria are satisfied. Notwithstanding an ultimate controlling person's eligibility for the waiver, the Louisiana Department of Insurance reserves the right to require audited or reviewed financial statements at any time.

An ultimate controlling person meeting criterion (B)(1) that controls an insurer reporting premium volume in its most recently filed annual statement equal to or above the threshold of \$300 million total direct or assumed premium may submit a request for a waiver which will be evaluated on a case by case basis.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by Form B or §131.A and §131.C.

ITEM 9. FORM C REQUIRED

A Form C, Number Summary of Registration Statement, must be prepared and filed with this Form B.

ITEM 10. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of R.S. 22:691.6, the Registrant has caused this annual registration statement to be duly signed on its behalf in the City/Parish of _____, and State of _____ on the _____ day of _____, 20_____.

(SEAL)

(Name of Registrant)

By (Name) _____ (Title) _____

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached annual registration statement dated _____, 20_____, for and on behalf of _____; that (s)he is the _____ of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and the facts therein set forth are true to the best of his/her knowledge, information, and belief.

(Signature) _____

(Type or print name beneath) _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:691.6 and 22:691.11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 18:274 (March 1992), amended LR 19:501 (April 1993), amended by the Office of the Commissioner, LR 41:1301 (July 2015), LR 42:1935 (November 2016), LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., June 10, 2022.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Regulation 31—Holding Company

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule adds provisions for exemptions to the filing of reviewed financial statements for both Form A and Form B.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Lance Herrin
Assistant Commissioner
2205#057

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 112—Adoption of NAIC Handbooks,
Guidelines, Forms, and Instructions
(LAC 37:XIII.16101)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 112.

The purpose of the amendment to Regulation 112 is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 161. Regulation Number 112—Adoption of
NAIC Handbooks, Guidelines, Forms and
Instructions**

**§16101. NAIC Handbooks, Guidelines, Forms and
Instructions Incorporated by Reference**

A. ...

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. the Financial Condition Examiner’s Handbook, 2021 edition;

2. the Annual and Quarterly Statement Instructions, Property and Casualty, 2021 edition;

3. the Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2021 edition;

4. the Annual and Quarterly Statement Instructions, Health, 2021 edition;

5. the Annual and Quarterly Statement Instructions, Title, 2021 edition;

6. the Annual and Quarterly Statement Instructions, Fraternal, 2021 edition;

7. the Annual and Quarterly Statement Blanks, Property and Casualty, 2021 edition;

8. the Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2021 edition;

9. the Annual and Quarterly Statement Blanks, Health, 2021 edition;

10. the Annual and Quarterly Statement Blanks, Title, 2021 edition;

11. the Annual and Quarterly Statement Blanks, Fraternal, 2021 edition;

12. the Accounting Practices and Procedures Manual, 2021 edition;
 13. the Financial Analysis Handbook, 2021 edition;
 14. the Own Risk and Solvency Assessment Guidance Manual, 2021 edition;
 15. the Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021 edition;
 16. the Risk-Based Capital Forecasting and Instructions, 2021 edition;
 17. the Market Regulation Handbook, 2021 edition;
- C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), amended LR 47:1328 (September 2021), amended LR 48:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.
2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.
3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.
4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.
5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.
6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.
2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.
3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.
2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.
3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.
4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.
2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.
3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., June 9, 2022.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regulation 112—Adoption of NAIC
Handbooks, Guidelines, Forms, and Instructions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes incorporate and reference the current editions of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code. The current editions of these publications serve as the most current professional guidance for entities regulated by the LA Dept. of Insurance (LDI).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule changes will have no impact on state or local governmental revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently being incorporated by reference that serve as professional guidance for entities under the purview of LDI. These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule changes will have no impact upon competition and employment in the state.

Denise Gardner
Chief of Staff
2205#011

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

**Guidance Manual for Environmental Boreholes
and Monitoring Systems (LAC 56:I.303 and 503)**

Editor's Note: This Notice of Intent is being repromulgated to correct a submission error. This Notice of Intent may be viewed in the March 20, 2022 *Louisiana Register* on pages 607-608.)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 56 I.303.B and LAC 56:I.503.B in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment includes reference to the use of the *Guidance Manual for Environmental Boreholes and Monitoring Systems* in the water well registration and plugging and abandonment regulations of Title 56.

Title 56

PUBLIC WORKS

Part I. Water Wells

Chapter 3. Water Well Construction

§303. Purpose

A. ...

B. All work related to environmental boreholes and monitoring systems shall conform to the requirements of this chapter. A resource available to drillers as reference material of common industry practices for installation of environmental boreholes and monitoring systems is the *Guidance Manual for Environmental Boreholes and Monitoring Systems*, dated November 2021, available online at: <http://www.dnr.louisiana.gov/guidance-manual>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 48:

**Chapter 5. Plugging and Sealing of Abandoned
Water Well Holes**

§503. Purpose

A. ...

B. All work related to environmental boreholes and monitoring systems shall conform to the requirements of this chapter. A resource available to drillers as reference material of common industry practices for installation of environmental boreholes and monitoring systems is the *Guidance Manual for Environmental Boreholes and Monitoring Systems*, dated November 2021, available online at: <http://www.dnr.louisiana.gov/guidance-manual>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 48:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written

comments will be accepted by hand delivery or USPS only, until 4:30 p.m., April 10, 2022 at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 847-D, Baton Rouge, LA 70802. All inquiries should be directed to Timothy Schroeder at the above addresses or by phone to (225) 342-8244. No preamble was prepared.

Richard P. Ieyoub
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Guidance Manual for Environmental
Boreholes and Monitoring Systems**

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

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule change. The proposed rule change codifies into the Louisiana Administrative Code Title 56 Part I regulations that reference the use of the recently updated and revised "Guidance Manual for Environmental Boreholes & Monitoring Systems" as recommended by the Advisory Committee for the Regulation and Control of Water Well Drillers (Drillers Advisory Committee).

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

The proposed rule change will have no effect on revenue collections of state or local government units.

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

There are no anticipated cost increases associated with the proposed amendment.

The proposed regulatory amendment includes reference to the use of the "Guidance Manual for Environmental Boreholes and Monitoring Systems" in the water well registration and plugging and abandonment regulations of Title 56.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change will have no effect on water well driller competition and employment.

John Adams
Assistant Commissioner
2205#054

Evan Brasseur
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

**Drug-Free Workplace
(LAC 22:1.207)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent of amend the contents of §207, Drug-Free Workplace.

The Department of Public Safety and Corrections, Corrections Services, proposes to modify some definitions in Section D. and to add definitions of hemp and marijuana.

Added an explanation that marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act and any detection of either on a drug test, whether obtained through a physician's recommendation or purchased over-the-counter legally according to the laws of this state or any other state, shall be a violation of this regulation. Also included in the proposed amendment are other minor changes.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 1. Secretary's Office

§207. Drug-Free Workplace

A. Purpose—to provide a comprehensive program of substance abuse education and to establish guidelines for employee drug and alcohol testing.

B. Applicability—deputy secretary, undersecretary, chief of operations, regional wardens, wardens, director of probation and parole and director of prison enterprises. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for conveying its contents to all concerned.

C. Policy. Substance abuse is a major contributor to criminal activity and is particularly detrimental to the department's mission to provide for the safety of employees and the public. Employees who engage in substance abuse may not be able to perform the essential functions of their positions and may be less likely to enforce policies and procedures effectively to control or to prevent illicit drug and alcohol use by other employees and offenders. Therefore, it is the secretary's policy to promote increased employee awareness of substance abuse and to achieve and maintain a workplace free of drugs and alcohol.

D. Definitions

CAP-FUDT-Certified Laboratory—a laboratory certified for forensic urine testing by the College of American Pathologists.

Collection Site—a designated place for the employee to provide a urine specimen to be analyzed for the presence of drugs.

Custodian of Records—a staff person responsible for the maintenance, care, and keeping of records related to drug and alcohol testing, including the date of such test, the name of the person performing the test, the number of tests performed, and a summary of the results of each type of test.

Drug Testing—

a. for the purpose of this regulation, drug testing is comprised of two components:

i. preliminary analysis (using the testing instrument available on the current contract issued by the procurement and contractual review division and approved by the secretary); and

ii. formal testing;

b. the application of formal testing may be contingent upon the results of the preliminary analysis. Alcohol testing consists only of administering the approved test and replicating any positive results.

Employee—any individual employed by or appointed to a position with corrections services (including student workers) or by an outside agency or provider or any

individual under contract with corrections services who works in an institution or division.

a. This does not necessarily confer “employment” status on independent contractors or employees of outside agencies but serves to define a class of people who are subject to participation in the drug-free workplace program.

Formal Testing—a second analytical procedure following a positive result on a preliminary analysis to identify the presence of a specific drug which is independent of the preliminary analysis using a different technique and/or chemical principle. Formal testing is conducted by a CAP-FUDT or SAMSHA-certified laboratory.

Hemp—as defined by 7 U.S. Code §1639(1), the term “hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Marijuana—as defined by 21 U.S. Code §802(16), all parts of the plant *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol (THC) concentration of greater than 0.3 percent on a dry weight basis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term “marijuana” does not include “hemp” as defined by 7 U.S. Code §1639.

Medical Review Officer (MRO)—a licensed physician designated by the unit head who is responsible for receiving positive preliminary analysis results. The MRO must possess knowledge of substance abuse disorders and appropriate medical training to determine and evaluate an individual’s positive result together with his medical history and other relevant biomedical information.

Offender—anyone in the physical custody of the Department of Public Safety and Corrections or under the supervision of the Division of Probation and Parole.

Preliminary Analysis—an immunoassay screen to detect the presence of drugs or metabolites using approved drug testing instruments. (See Paragraph H.1 for additional information.) The results of the preliminary analysis are to be used solely to indicate the need for additional formal testing, except for those who are being tested for pre-employment purposes. In this case, when the preliminary analysis is positive, it shall be sufficient cause to either remove the prospective employee from consideration for employment or appointment or be cause for conducting formal testing. If formal testing is conducted and the result is positive, this shall be cause for the prospective employee’s elimination from consideration for employment or appointment.

Prospective Employee—any person who has made an application to an employer, whether written or oral, to become an employee.

Safety/Security Sensitive Position—any job which directly or indirectly affects the safety and security of others. For the purpose of this regulation, safety/security sensitive positions are those which involve direct contact with offenders and those having access to confidential information relative to the care, confinement or supervision of offenders.

SAMSHA-Certified Laboratory—a laboratory certified for forensic drug testing by the Substance Abuse and Mental Health Services Administration.

SAMSHA Guidelines—the mandatory guidelines for federal workplace drug testing programs as published in the Federal Register on April 11, 1988 (53 FR 11970), revised on June 9, 1994 (59 FR 29908), further revised on September 30, 1997 (62 FR 51118) and any further revised guidelines issued by SAMSHA.

Unit Head—the head of an operational unit, specifically, the undersecretary, warden, director of probation and parole and director of prison enterprises.

E. General

1. Each unit head is responsible for implementation of a substance abuse education program that requires compliance with this regulation. Each employee is responsible for refraining from illegal or prohibited use, possession, sale or manufacture of controlled substances and from reporting to work or working while under the influence of alcohol, illegal or prohibited drugs or impaired by prescription drugs.

2. For the purpose of this regulation, illegal or prohibited use of a controlled substance shall include any detection of marijuana or THC regardless of the source of its detection, whether obtained through a physician’s recommendation in accordance with R.S. 40:1046, purchased over-the-counter legally according to the laws of this state or any other state, or otherwise. Marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act. Therefore, any detection of marijuana or THC on a drug test shall be considered a violation of this regulation.

F. Type of Testing

1. Pre-Employment. Drug testing shall be conducted prior to employment. (See Section D for additional information.) The unit human resources office is responsible for ensuring all new employees are given a copy of this regulation upon hire. All new employees shall sign and date the receipt of drug-free workplace regulation. A copy of this form shall be maintained in the employee’s personnel file.

2. Reasonable Suspicion/Probable Cause. Reasonable suspicion/probable cause screening and subsequent testing, as appropriate, may be based on:

a. observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol or when the odor of alcohol, marijuana smoke or other substance is present;

b. abnormal conduct or erratic behavior;

c. arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking (the term shall also mean distribution);

d. information provided by reliable and credible sources or independently corroborated;

e. newly discovered evidence that the employee tampered with a previous drug or alcohol test;

f. credible allegation or confirmation of involvement in a significant violation of policy in which judgment may have been impaired.

3. Post Accident/Incident

a. An employee shall be subject to drug and alcohol testing following an accident or incident that occurs during the course and scope of their employment if the employee's action or inaction may have been a causative factor and such incident:

i. involves circumstances leading to a reasonable suspicion of the employee's drug or alcohol use or impairment;

ii. results in a fatality; or

iii. results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).

b. An employee who is involved in an accident or incident that results in bodily injury or property damage may be subject to drug and alcohol testing.

c. Should an employee refuse after being directed to submit to drug or alcohol testing as a result of an accident or incident, impairment shall be legally presumed under R.S. 23:1081 and state of Louisiana workers' compensation law benefits may be denied.

4. Rehabilitative. Staff testing positive without a legitimate explanation and whose employment is not terminated, or staff who notify their supervisor that they elect to participate for the purpose of substance use rehabilitation, shall be subject to participation in a rehabilitation program. As a condition for returning to work after participating in such a program, the employee must agree to follow-up testing on a random basis for up to 48 months. Additionally, medical professionals who are participating in a rehabilitation program, substance abuse aftercare program or who have a documented substance abuse history must agree to periodic drug/alcohol testing throughout the course of their employment.

5. Random. All employees who occupy safety/security sensitive positions (as defined in this regulation) shall be subject to random drug testing. On a monthly basis, a list of employee numbers representing at least 5 percent of a unit's employees shall be selected at random by a computer-generated selection process. This list shall be provided to each institution, the Division of Probation and Parole, Division of Prison Enterprises and headquarters.

a. The Office of the Undersecretary shall generate the list of employee numbers at the prescribed interval and ensure that the lists are distributed directly to each unit head.

i. (Alternatively, if a unit has a drug-testing services contract with a CAP-FUDT or SAMSHA-certified laboratory, the production of this list may be included as part of those services.)

b. Unit heads shall establish a policy for matching the employee numbers to employee names, notification of selected employees, recording of test results and other appropriate procedures as needed.

c. All tests shall be conducted during the selected employees' work hours; no employee shall be called in on his day/night off specifically for the purpose of a random drug test.

d. The conduct of this program shall be in accordance with Subsection H of this Section.

6. Promotion. Drug testing shall be conducted not more than 14 days prior to promotion.

G. Substances to be Tested. In accordance with R.S. 49:1002 and R.S. 49:1005, drug testing may be performed for any of the following classes of drugs: marijuana or THC; opiates; cocaine; amphetamines; and phencyclidine in the random testing or preliminary testing process. This does not preclude testing for any other drugs, including other controlled substances defined in 21 U.S.C. 812, Schedules I, II, III, IV, and alcohol, or abused prescription medication.

H. Conduct of the Drug Testing Program

1. Preliminary Analysis

a. The testing instrument available on the current contract issued by the procurement and contractual review division and approved by the secretary shall be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. The collection process shall be done on-site by unit staff who have received the appropriate training. (Formal testing may be utilized initially in lieu of preliminary analysis when the unit head or designee determines that this is the most efficient method.)

b. When the test produces a positive result, the MRO shall be notified. The MRO shall obtain a list of medication used by the employee at the time of the test and shall give the employee the opportunity to provide a medical history and/or discuss the test results.

i. The use of marijuana or THC, regardless of the source of its detection, whether obtained through a physician's recommendation in accordance with R.S. 40:1046, purchased over-the-counter legally according to the laws of this state or any other state, or otherwise, shall not be considered a valid medical explanation for the purposes of the MRO's review. Marijuana and THC remain Schedule I controlled substances under the Controlled Substances Act. Therefore, any detection of marijuana or THC on a drug test shall be considered a violation of this regulation.

c. Upon review and evaluation of all available information, the MRO shall determine the need for formal testing.

d. If formal testing is deemed necessary by the MRO, the employee shall be escorted to a collection site by a unit staff person.

e. Pursuant to Paragraph D of this Section, it is not mandatory that the MRO review the results of a pre-employment preliminary analysis which results in a positive finding.

f. All employee preliminary testing shall be reported on the employee drug/alcohol field test.

2. Formal Testing

a. Formal testing shall be conducted by a CAP-FUDT or SAMSHA-certified laboratory and shall be performed in compliance with SAMSHA guidelines.

b. All urine specimens for drug testing shall be collected, stored and transported in strict accordance with SAMSHA guidelines. The cut off limits for drug testing shall also be in accordance with SAMSHA guidelines with the exception of initial testing for marijuana. The initial cut off level for marijuana shall be no less than 50 nanograms/ML and no more than 100 nanograms/ML as specified by the testing entity.

c. In the event of a positive result on a formal drug test, the laboratory's staff shall provide a copy of the results to the employee and to the unit head.

I. Conduct of the Alcohol Testing Program

1. Pursuant to established policy and procedures, employees are prohibited from reporting for or being on duty under the influence of alcohol or other intoxicants (or when the odor or effect is noticeable). Towards this end, employees may be required to submit to alcohol testing while on duty under circumstances defined in Subsection F.

2. A portable breathalyzer or other instrument and approved by the secretary shall be used to determine a violation of this regulation. In the event of a positive reading on the portable breathalyzer, a second test shall be conducted.

3. The alcohol test can be administered only by those persons specifically authorized by the unit head and who have been trained in the use of the testing instrument(s).

J. Training Required. A minimum of one hour of training per year on the effects and consequences of controlled substance abuse on personal health and safety at the workplace and indicators of substance use or abuse is required for all full time employees.

K. Record Keeping and Reporting Requirements

1. The custodian of records designated by each unit head shall maintain a record of each employee who has submitted to a drug or alcohol test, the date of such test, the name of the person performing the test, the number of tests performed and a summary of the results of each type of test.

2. All test results shall be retained for a minimum of three years after the employee resigns, retires or is dismissed from employment.

3. Pursuant to R.S. 49:1012, all information, interviews, reports, statements, memoranda and/or test results received through the unit's drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public hearing or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant. All such confidential information shall be maintained in a secure manner.

4. A monthly report utilizing the employee drug testing report of drug testing activities shall be compiled by the headquarters human resources office for submission in the AM-I-4 report.

5. By November 1 of each year, each unit's business office shall submit a report to the headquarters human resources office detailing the number of employees affected by the drug testing program, the categories of testing conducted, the associated costs of testing and the effectiveness of the program. In conjunction with the undersecretary's office, the headquarters human resources office shall compile the department's annual employee drug testing report for submission to the Division of Administration annually by December 1.

L. Impaired Ability Due to Prescription or Over the Counter Medication

1. Employees in safety/security sensitive positions are required to notify their immediate supervisor when they are taking medication which may affect their ability to perform

the essential functions of the job prior to the start of their work day/shift.

2. Upon notification, supervisors must immediately contact the unit's MRO or designee to determine if the employee can safely perform the job duties while under the influence of the stated medication.

3. Employees who may cause a direct threat to the safety and security of the public, staff or offender population while under the influence of such medication shall not be allowed to complete the workday and shall be placed in enforced sick leave.

M. Violation of this Regulation

1. The disciplinary penalties and guidelines shall be utilized in the administration of this regulation. Refusal to submit to testing may result in disciplinary action. Formal testing with positive results may be cause for initiation of disciplinary action.

2. When confirmed positive formal test results do not result in termination, referral to the employee assistance program or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate and may be made.

3. Any time there is a reasonable suspicion that any employee is impaired and could be a direct threat or cannot safely perform their essential functions due to the use of drugs (prescribed or other) or alcohol consumption, the employee shall be immediately removed from the employee's workstation and taken to a secure location (away from any possible contact with offenders) for preliminary or formal testing.

4. If any employee tests positive for drugs or alcohol during either the random, preliminary or formal testing, the employee will be placed on appropriate leave status and escorted off the premises. If impaired, assistance shall be provided to ensure the employee is transported to a safe location. The employee shall not be allowed to return to work until the condition is resolved or no earlier than the next scheduled workday if the unit head or designee so approves the return to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Corrections Services, LR 25:522 (March 1999), amended LR 26:1308 (June 2000), LR 35:958 (May 2009), LR 39:3321 (December 2013), amended by the Department of Public Safety and Corrections, Corrections Services, LR 44:608 (March 2018), LR 48:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie Laborde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 9, 2022.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Drug-Free Workplace**

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

The proposed revisions will not result in costs or savings to state or local governmental units. The revisions add marijuana and THC to the list of illegal or prohibited substances used by employees of the Department of Public Safety and Corrections and prohibits the use of marijuana or THC regardless of the source of detection. There will be no additional expenditures related to drug screens as the tests currently screen for marijuana and TCH.

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 as a result of the proposed rule changes.

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

There will be no effect on costs or benefits to directly affected person, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be an effect on employment for those persons who obtained marijuana or THC through a physician's recommendation and would now be in violation of the drug free workplace policy of the Department of Public Safety and Corrections. Those persons may not be hired, may be terminated, or may be required to enter into a substance use rehabilitation program.

Thomas C. Bickham, III
Undersecretary
2205#055

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Responsibilities and Functions of Prison Enterprises (LAC 22:I.1101)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §1101, Responsibilities and Functions of Prison Enterprises.

The Department of Public Safety and Corrections, Corrections Services, proposes to revise the definitions section, revise definitions to delineate the prohibited "consuming public" from the statutorily-permitted customer base for prison enterprise's goods and services and clarify and require any harvest and gin of a cotton crop is by

machine. Also included in the proposed amendment are minor language and punctuation changes.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 11. Prison Enterprises

§1101. Responsibilities and Functions

A. Purpose—to clarify and further establish and outline the functions and responsibilities of the Division of Prison Enterprises pursuant to the provisions of R.S. 15:1156.

B. Applicability—deputy secretary, chief of operations, undersecretary, assistant secretary, regional wardens, wardens, Director of Prison Enterprises and Director of Probation and Parole. Each unit head shall ensure appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy

1. The Division of Prison Enterprises is an integral component of the department's reentry initiatives by enabling offenders to increase their potential for successful rehabilitation and reintegration into society by providing occupational and skills training through productive job opportunities. To that end, the Division of Prison Enterprises shall develop and implement policies and procedures for agriculture, aquaculture, silviculture, marketing programs, industrial enterprises, livestock operations, and services to utilize the department's resources in the production of food, fiber, and other necessary items used by offenders to promote good work habits, to teach systems of accountability, and to simulate work environments offenders potentially may experience upon their release. Prison Enterprises shall provide training and work opportunities for offenders to enhance the department's reentry initiatives. Prison Enterprises provides products and services to state and local agencies, other political subdivisions, open market customers, and public employees and additionally utilizes the department's resources to lower imprisonment costs.

D. Definitions

Advertising—the use of Prison Enterprises' resources to call to the attention of existing or potential customers the products or services offered by Prison Enterprises through media sources, including but not limited to print, television, radio, signage, sponsorships, tradeshow and other electronic media.

Agricultural—pertaining to the production, storage, processing, marketing or distribution of any agronomic, floricultural, horticultural, vitacultural, silvicultural, or aquacultural, crop, including but not limited to farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products.

Aquacultural Commodities—of or relating to cultivation of natural produce of water such as fish and shellfish and their by-products.

Consuming Public—people or entities who purchase goods or services for use primarily for personal, family, or household purposes. Consuming public does not include departments, institutions, agencies or political subdivisions of the state and does not include any penal, reformatory, or custodial facilities, the major portion of whose maintenance

is contributed by this state or any of the political subdivisions thereof for the use or consumption of said institution or facility, or for the use or consumption of the population therein contained, or a private, nonprofit, tax-exempt organization under Section 501(c)(3) of the U.S. Internal Revenue Code.

Crop Commodities—food and fiber products that cover a broad range of goods from both processed and unprocessed bulk commodities. Crop commodities include, but are not limited to soybeans, corn, wheat, rice, cotton, vegetables, grasses and their by-products.

Governmental Agencies—includes, but not limited to federal, state, local, and foreign governmental bodies, as well as non-profit organizations, both within and outside the state of Louisiana.

Industrial Enterprise—a manufacturing, distribution, production, assembly or warehousing operation that accommodates the direct or indirect exchange of goods.

Livestock—animals and their by-products reared in agricultural settings to make or produce food or to be used for labor. Livestock includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; pigs, sheep, goats, domestic rabbits, fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures constructed so as to prevent, at all times, the ingress and egress of fish life from public waters, horses, mules, donkeys, and other equine; and birds, such as chickens, turkeys, and other poultry.

Marketing—the process or technique of promoting, selling and distributing a product or service. Marketing includes, but is not limited to, restricted marketing to a targeted buyer or group of buyers.

Meat and Food Products—products including, but not limited to, all processed and/or unprocessed bulk beef, poultry, pork, seafood and other food products used for production or resale.

Open Market—an unrestricted market with free access by, and competition of, buyers and sellers. Nonetheless, the words “open market” as used in R.S. 51:692.1, 51:692.2, and 51:692.3 shall mean all sales or exchanges conducted or transacted through the medium of stores, shops, sales agents or agencies, whether retail or wholesale, or in any manner to the consuming public.

Private Treaty—a sale of property on terms determined by conference of the seller and buyer.

Promotional Items—items having no substantial resale value including, but not limited to, calendars, pens, hats, and t-shirts bearing information relative to Prison Enterprises.

Public Employee—person employed at any level in any capacity by a governmental agency in any branch of government. See also R.S. 42:1102(18)(19).

Row Crop Contracts—contracts with grain elevators or others based on the Chicago Board of Trade.

Samples—any Prison Enterprises’ products or services provided to a potential or existing customer or placed in a highly visible location or otherwise utilized to enhance sales to existing or potential customers. Samples include, but are not limited to, items provided to governmental agencies or organizations affiliated with potential customers to use at their discretion.

Service Industry/Services—any labor-intensive endeavor using offender labor or Prison Enterprises’ resources to accommodate customer requests. This includes, but is not limited to, custodial services, grounds-keeping, bulk mailings, or assembly.

Silvicultural Commodities—of or relating to controlling the establishment, growth, composition, health and quality of forests and woodlands and their by-products through management, harvest and planting.

Timber—includes all natural and planned growth of trees used for building and other purposes, and all by-products of trees including, but not limited to, pine straw, firewood and bark.

E. Procedures

1. The director of Prison Enterprises shall be responsible for the following:

a. establishment and operation of all agricultural, aquacultural, silvicultural and marketing programs, industrial enterprises, livestock operations and service industries, including certification in the Private Sector/Prison Industry Enhancement (PS/PIE) program within the department.

b. development of budgets and plans of operation for all Prison Enterprises programs within the state;

c. procurement of all raw goods, supplies, commodities, breeding livestock, inventories, services, studies or experimental work in accordance with the Louisiana Procurement Code, Procurement of Services Rules and Regulations, executive orders, rules established by administrative law and all other applicable state and federal laws;

d. purchase of commodities, including but not limited to, agriculture commodities, prison industry commodities, and other commodities available from other state, federal and foreign governmental agencies.

2. Prison Enterprises may purchase without bid both finished and unfinished goods from other governmental agencies and also may purchase processed and unprocessed raw materials from other governmental agencies for further processing or sale. Purchases of this type shall be made only to accommodate or take advantage of delivery terms, consistency in product quality/specifications, manufacturing capabilities, and price.

3. All funds received from the sale of products and services shall be deposited immediately upon receipt into the state treasury.

4. Functional supervision at the field level relative to interface with unit activities and security requirements shall be under the jurisdiction of the warden in accordance with ACA Standards.

F. Marketing and Promotion

1. Prison Enterprises may market and promote activities or incur expenses to promote its products and services to existing or potential customers. Marketing and promotional activities include, but are not limited to, providing samples and promotional items, participating in advertising, and attending conferences and/or conventions.

G. Sales

1. General

a. Sale of all Prison Enterprises products, commodities, livestock, and services may be sold in the manner provided by law, including but not limited to, direct sales to governmental agencies, non-profit entities, private entities, public employees, and other targeted customers, as well as statutorily-permitted open market sales, sealed bids, auctions and sales of bulk-purchased items via central warehousing operations.

b. Sales to governmental agencies shall be priced based in response to bid requests, direct sales of Prison Enterprises contract products and by direct negotiation between Prison Enterprises and the governmental agency.

c. Prison Enterprises can sell manufactured, processed, agricultural and other commodity products to a full-time or part-time public employee who resides within the state of Louisiana, provided the public employee certifies the product shall not be resold or transferred outside of Louisiana. Pricing shall be determined based on current Prison Enterprises' contract prices or established Prison Enterprises' pricing methodology.

d. Prison Enterprises shall not sell any product or service for the purpose of promoting political candidates or any other political activity.

2. Sale of Bulk Meat and Food

a. Meat and food products offered for sale by Prison Enterprises and their corresponding prices shall be listed on the state contract published by the Louisiana Division of Administration-Office of State Procurement. Prices shall be updated at intervals as deemed necessary by the Director of Prison Enterprises.

b. Pricing for meat and food products shall be based on purchase price, market conditions, and sales history. The Director of Prison Enterprises or designee is responsible for approving all prices.

3. Sale of Timber

a. The LSU School of Forestry or a professional timber consultant shall be retained to formulate a multi-year timber management plan.

b. If a professional timber consultant is hired, the professional timber consultant shall be a member of a professional timber management association and shall provide sufficient references.

c. A submitted timber management plan shall include best management practices for all woodlands located on property controlled by the department. The timber management plan shall be presented to the agriculture manager, who shall make recommendations for harvest and sale of timber to the Director of Prison Enterprises or designee.

d. Large quantities of timber shall be sold on the open market by bid in accordance with recommendations made by either the LSU School of Forestry or the professional timber consultant.

e. Smaller quantities of timber (for example, damaged trees cut for salvage) and timber by-products shall be sold on the open market at current market rates or by private treaty at the recommendation of the LSU School of Forestry or the professional timber consultant to the agriculture manager.

f. All sales of timber require the approval of the director of Prison Enterprises or designee.

4. Sale of Services

a. The Director of Prison Enterprises or designee and the potential customer shall negotiate terms of agreement to include pricing and a detailed description of services to be rendered.

b. Prison Enterprises also may respond to bid requests by governmental agencies and other entities to provide services.

5. Sale of Livestock

a. Cattle

i. Approvals

(a). The agriculture manager shall provide information regarding cattle to be sold, said information to include type of cattle, quantity, estimated weight, location, etc. to the director or designee.

(b). This information shall then be utilized to grant approval prior to the sale or advertisement.

ii. Direct Sales

(a). Prison Enterprises may sell cattle by private treaty with the approval of the director or designee. This method of sale shall be used if the agriculture manager determines the sale is financially or operationally advantageous. The director's approval shall be based on criteria such as current market data, current needs of Prison Enterprises and other documented circumstances which support the sale as financially or operationally advantageous.

(b). The agriculture manager shall review market data to determine the reasonableness of the price offered by the potential buyer. The agriculture manager, upon consultation with the director or designee, shall agree to a price determined to be fair considering all above-listed circumstances.

iii. Advertised Bids

(a). Advertisements for bids when selling cattle shall be published for at least one day in the state journal and in at least one printing of the official journal of the parish the livestock is located in. A copy of the bid package shall be sent also to a list of people/companies comprised of previous bidders and known major cattle buyers who purchase cattle in the southern United States. A copy of the bid package shall be provided also to the LSU Agricultural Center Beef Specialist for informational purposes and for distribution to the LSU cooperative extension office of each parish.

(b). Photographs of livestock shall be provided to prospective bidders upon requests to the agriculture manager at the phone number listed in the advertisement. Livestock shall be available for viewing by prospective bidders during the advertisement period by contacting the agriculture manager at the phone number listed in the advertisement.

(c). Vendors shall be allowed to submit bids until the bid opening date and time specified in the bid opening package. The bid package shall specify the latest date and time that bids will be accepted either by fax, mail or hand delivery.

(d). The agriculture manager shall review market data regularly during the bid period to determine highs and lows in prices and will use this information to determine the reasonableness of bids received. The agriculture manager, upon consultation with the director or designee, shall notify the department's director of procurement and contractual review of the decision to award or cancel the bid.

(e). The successful vendor shall pick up livestock on or before the date stated in the bid. Livestock shall be sorted and penned in accordance with provisions of the bid. The successful vendor is responsible for all necessary transportation equipment and other expenses related to the pickup, unless otherwise stated in the bid. Prison Enterprises shall make necessary accommodations for the pickup unless extraordinary circumstances (severe weather, security events, etc.) prohibit pick up on the stated date.

iv. Cattle sold at auction, whether by stockyards or video auctions, are exempt from the above procedures.

b. Horses for Law Enforcement

i. Horses bred and raised for law enforcement purposes shall be sold to local, state and out of state governmental agencies, or non-profit organizations affiliated with law enforcement without bid at a price agreed upon by Prison Enterprises and the customer.

c. Other Livestock

i. All other livestock, including but not limited to, non-law enforcement horses, swine, birds, fish and crawfish shall be sold at established market price or through other customary means, or by private treaty, bid or auction by adhering to the procedures listed above for cattle.

6. Sale of Crop Commodities

a. Pursuant to the sale of grain products and other crop commodities, the agriculture manager routinely shall research available market information and follow the futures prices of grains and other crop commodities at the Chicago Board of Trade. The agriculture manager, with the approval of the director or designee, shall obtain price quotes from local grain elevators and enter into row crop contracts that are at prices determined to be advantageous to Prison Enterprises and consistent with anticipated production levels. Contracts for the sale of grain and other crop commodities shall be for one of the following:

- i. cash price;
- ii. basis only with futures price to be called for at a later date; or
- iii. futures only with basis determined before delivery.

b. Pursuant to the sale of cotton, Prison Enterprises may bid a contract to gin harvested cotton. According to the specifications of the contract, the ginner shall submit a report to the agriculture manager. The report shall specify yield and quality. Prison Enterprises shall use the information from the ginner to sell the cotton either by bid or by private treaty.

c. Alternatively, Prison Enterprises may bid a contract to harvest by machine and gin the cotton crop. According to the specifications of the contract, Prison Enterprises shall maintain ownership of the harvested cotton; but Prison Enterprises may enter into agreement with an appropriate contractor for marketing and sale of the crop.

d. The sale of grasses for hay and other crop by-products shall be made by bid or by private treaty. Bidding shall be accomplished by obtaining, at a minimum, telephone quotes from at least three bona fide bidders. The bid shall be awarded to the highest responsible bidder.

Private treaty prices shall be set by the agriculture manager at or near current market prices for each particular product. Type, quality, location, responsibility for transportation, etc. of hay and other crop by-products shall factor into the pricing. Sales of grasses for hay and other crop by-products shall require the approval of the director or designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1156.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 33:855 (May 2007), amended by the Department of Public Safety and Corrections, Correction Services, LR 34:2642 (December 2008), LR 48:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie Laborde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 9, 2022.

James M. Le Blanc
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Responsibilities and
Functions of Prison Enterprises**

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

There will be an increase in expenditures for Prison Enterprises to the extent the department bids a contract for the harvesting and ginning of their cotton crop; however, the department shall maintain ownership of the harvested cotton. The increase in expenditures is indeterminable as Prison Enterprises has not planted a cotton crop in several years and has no immediate plans to do so. The revisions also clarify the language in the definitions section, revise definitions to delineate the prohibited "consuming public" from the statutorily-permitted customer base for prison enterprise's goods and services, and make technical changes.

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

There will be an increase in self-generated revenue to the extent Prison Enterprises plants a cotton crop and bids a contract for the harvesting and ginning of their cotton. Prison Enterprises shall retain ownership of the crop for sale.

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

Farmers and/or operators will realize an increase in revenue to the extent they win a bid to harvest and gin cotton for Prison Enterprises.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will increase employment opportunities for farmers and/or operators to the extent they bid on, and are awarded, a contract for harvesting and ginning cotton for Prison Enterprises.

Thomas C. Bickham, III
Undersecretary
2205#008

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Telephone Use and Policy on Monitoring of Calls
(LAC 22:I.315)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §315, Telephone Use and Policy on Monitoring of Calls.

The Department of Public Safety and Corrections, Corrections Services, proposes to revise its policy regarding telephone privileges and related procedures, including recording and monitoring of calls. Added that the use of loss of telephone privileges as a sanction shall only be permitted where the rule violation is directly related to the use of telephone privileges; clarified, with respect to a provision requiring offenders placed in segregation be allowed one phone call within 24 hours, that this includes offenders who have lost their phone privileges as a separate disciplinary sanction; added that where an offender's call with his attorney is monitored, that the warden's determination of good cause to monitor the call is documented with written reasons; added that call durations shall not be limited to less than 15 minutes; deleted a provision stating that it is an offender's responsibility to notify parties that calls are subject to monitoring and replaced with a provision stating that the recorded message shall notify the parties of this fact; as well as, various clarifications, organizational and grammatical revisions throughout.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

§315. Telephone Use and Policy on Monitoring of Calls

A. Purpose. To state the secretary's policy regarding the use of telephones by offenders and the monitoring of offender telephone calls at all adult institutions.

B. Applicability—Deputy Secretary, Chief of Operations, Regional Wardens and Wardens. Each warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this

regulation and for implementing and notifying all affected persons of its contents.

C. Policy. It is the secretary's policy that uniform telephone procedures, including the ability to monitor and/or record offender telephone calls to preserve the security and orderly management of the institution and to protect public safety, shall be adhered to at all institutions. Each institution shall offer offenders (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any offender. Offenders with hearing and/or speech disabilities and offenders who wish to communicate with parties who have such disabilities shall be given access to appropriate auxiliary aids and services. It is further the secretary's policy to encourage offenders to maintain telephone communications while incarcerated in order to maintain family connections that will promote unification upon release.

D. Procedures

1. General

a. Each offender shall be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls. The PIN shall be the offender's DOC number.

b. Each offender may provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal and legal calls. Each offender's outgoing telephone calls shall be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the warden or designee, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. No offender shall place the telephone number of the family of another offender on his master list except for verified members of his own family.

c. For new offenders, PIN and master list numbers shall be entered into the telephone system upon intake at the reception and diagnostic centers.

d. All offender telephone calls made through use of the offender telephone system shall be recorded and are subject to monitoring. This may include calls made to attorneys using the offender telephone system. (See Clause D.6.a.iii for additional information.)

e. A visible sign by each offender telephone shall place offenders on notice that all calls shall be recorded and are subject to monitoring.

f. A recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility.

g. Use of the offender telephone system shall constitute consent by all parties to the recording and/or monitoring of the call.

h. Upon the request of a telephone subscriber, the institution shall block a telephone number and prevent the subscriber from receiving calls from an offender housed in the facility. To accomplish a block of a particular number for all state facilities, the institution should contact the contractor to request that a universal block be put into place.

i. Offenders are allowed to make collect calls to cell phones. These calls must be set up as direct remit accounts with the department's phone service provider. This shall be done after approval is received from the department to add the cell number. Prepaid cell phones are not permitted to set up direct bill accounts. Cell phones must have a provider from a major wireless company i.e., AT and T, Sprint, Verizon, T-Mobile, etc.

j. Disciplinary sanctions may include certain restrictions on phone privileges; however, all offenders shall be allowed two collect calls per month. Loss of phone privileges shall only be a permissible sanction where the rule violation is directly related to the use of telephone privileges.

k. Any offender placed in segregation shall be allowed one phone call (either at the offender's expense or via a collect call) within 24 hours of placement into a segregation housing unit, including offenders who have lost their phone privileges as a separate disciplinary sanction.

2. Dormitory Housing (Minimum or Medium Custody)

a. Routine Personal or Family Calls. Collect telephone access shall be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the warden of each institution. The warden or designee shall communicate the telephone schedule to the offender population. A time limit for call duration may be established; however, call duration shall not be limited to less than 15 minutes.

b. Emergency Personal or Family Calls. Requests for access outside of normally scheduled hours may be made through the Warden's designee (dormitory officer, shift supervisor or other appropriate staff). The staff person to whom the request is made shall determine if an emergency phone call is warranted and shall make a written record of their determination. No maximum frequency for this type call shall be established, as the severity and duration of emergencies may vary.

c. Legal Calls. The warden shall establish a schedule for legal calls. Generally, offenders shall be able to place legal calls during the lunch period non-working hours, or after the afternoon count (when normal office hours are in effect for attorneys.) The warden shall establish an alternate procedure if this is not adequate.

3. Cellblock Housing (Maximum Custody)

a. Routine Personal or Family Calls. Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the offender may be allowed access during the shower or exercise period.) Posted policy may limit routine personal calls for offenders assigned to cellblocks in the event that lobby placement restricts offender access. Access may vary by offender classification status. A time limit for call duration may be established; however, call duration shall not be limited to less than 15 minutes.

b. Emergency Personal or Family Calls. In all subclasses of maximum custody, the offender is required to request consideration for this type call from the warden's designee (shift supervisor, unit major, or program staff). The staff person to whom the request is made shall determine if an emergency phone call is warranted and shall make a

written record of their determination. No frequency for this type call shall be established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a procedure for placing legal calls on a reasonable basis during an attorney's normal office hours. Each housing unit shall maintain a telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal calls shall be logged with the attorney's full name, bar number, telephone number called, date, time and whether completed.

4. Incoming Calls

a. Routine Personal or Family calls. Messages are not accepted or relayed on a routine basis for any offender.

b. Legal Calls. Offenders may be given notice that their attorney has requested contact. Complete verification that the requested contact is the offender's attorney is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during their attorney's "normal office hours" at a time which does not interfere with the orderly operation of the unit.

5. Emergency Messages/Important Telephone Calls Based upon Faith-Based Programs and Services

a. Emergency messages concerning a serious illness, injury, death or other family crisis, etc. shall be delivered to an offender by the chaplain or other person designated by the warden. Exceptions to this paragraph shall only be granted by the warden or designee.

b. Notification to an offender's emergency contact (or other appropriate person as the situation warrants) of an offender's serious illness, injury or death shall be made in a timely manner by the chaplain or other person designated by the warden.

c. Chaplains are allowed discretion to make telephone calls for offenders for the purposes of dealing with emergency matters.

6. Monitoring

a. Offenders shall be put on notice of the following:

i. telephone calls in housing areas shall be recorded and are subject to monitoring. Use of telephones constitutes consent to recordation and monitoring;

ii. a recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility;

iii. telephone calls to the offender's designated attorney(s) shall be recorded, but shall not be routinely monitored. However, such calls may be monitored upon the warden's determination of good cause, such as where a security need exists. Prior to examination of the content of the conversation with the attorney, the authorized staff member requesting examination must submit in writing the factors supporting good cause to the warden for approval. The warden's determination of good cause shall be documented with written reasons. Only after written approval has been received shall the conversation be examined. Only investigators approved by the chief of operations shall be allowed to monitor the calls.

b. The telephone system typically terminates a call at the end of the authorized period (generally 15 minutes); however, the warden or designee may authorize calls of a

longer duration as circumstances warrant. Persons using the telecommunication device for the deaf (TDD) system shall be allowed one-hour telephone calls.

c. Offenders shall not be allowed access to home telephone numbers of staff members, nor be allowed to contact any staff member of the department (including volunteers, contract workers, etc.) by any means, whether through call forwarding, texting, web-based communication, or other similar communication platforms or systems.

d. Only authorized personnel (i.e., those who have been assigned a login/password) approved by the warden or designee may monitor offender telephone calls. Only investigators authorized by the chief of operations may monitor an offender's calls to his attorney. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public shall be communicated to the warden and other law enforcement agencies.

e. Offenders being processed for intake through the reception and diagnostic centers shall be required to give consent in writing, acknowledging that they are aware that their telephone calls shall be recorded and are subject to monitoring. A copy of this consent shall be placed in the offender's master record.

f. Each institution's orientation manual shall include the information contained in this regulation as a means to notify the offender population of its contents and verbal notification shall be given during the orientation program. A sign shall be posted at each offender telephone which states the following information.

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation. Telephone calls to your designated attorney(s) will not be routinely monitored.

Department of Public Safety and Corrections
Department Regulation No. OP-C-8

7. Remote Call Forwarding

a. The offender population shall be put on notice that all third-party telephone calls, including remote call forwarding (RCF) calls, are strictly prohibited and such activity shall result in appropriate disciplinary action.

i. RCF is a mechanism by which offenders may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF is comparable to an automated 3-way call.

ii. RCF is also known as automated call forwarding or private branch exchange (PBX) call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons, including because the telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location, but merely a number within the telephone switching equipment local to the facility where the offender is housed.

iii. RCF initiated calls to an unidentified terminated number can be easily forwarded to unauthorized telephones. This forwarding is done through the normal 3-

way call hook ups. This negates the security mechanisms achieved by the requirement of approved telephone lists, including safeguards to prevent calls to victims and blocked or restricted numbers or to prevent other unauthorized call activities.

b. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls are discovered, a system-wide block of the number shall be initiated pursuant to Subparagraph D.1.i. of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2849 (December 2003), LR 35:87 (January 2009), LR 37:599 (February 2011), LR 46:1395 (October 2020), LR 48:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie Laborde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 9, 2022.

James M. Le Blanc
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Telephone Use and
Policy on Monitoring of Calls**

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

There will be no costs or savings to state or local governmental units as a result of the proposed rule change. The revisions clarify language and make technical changes to the use of telephones by offenders and policy on monitoring calls in correctional facilities.

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 as a result of the proposed rule changes.

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III
Undersecretary
2205#053

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Service of Notices
(LAC 42:III.103, 108, and 109)

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.103, Hearings on Rule 102 Disputes, amend LAC 42:III.108, Board Hearings, and adopt LAC 42:III.109, Duties of Licensees, Permittees, and Applicants; Service. This rule change clarifies practices already required to take place in the industry and creates uniformity. The rule change modifies the requirements for service of notices and correspondence from the board, board hearing office, and division and the duties of licensees, permittees, and applicants for service and correspondence.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 1. General Provisions

§103. Hearings on Rule 102 Disputes

A. Any person required to be licensed or permitted by the department by authority of the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., and whose license or permit, or the renewal thereof, has been denied by the department, may request a hearing by the board by filing a written request with the board. The request must be filed within 10 days from service of the notice.

B.1. - 2. ...

C. The board may reverse or modify an action if it finds that the action of the department, under facts determined by the board, was contrary to any provisions of the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., or was contrary to the Louisiana Riverboat Economic Development and Gaming Control Act, R.S. 27:41 et seq., the Video Draw Poker Devices Control Law, R.S. 27:401 et seq., the Louisiana Economic Development and Gaming Corporation Act, R.S. 27:201 et seq., the Louisiana Fantasy Sports Contests Act, R.S. 27:301 et seq., the Louisiana Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act, R.S. 27:351 et seq., or the Louisiana Sports Wagering Act, R.S. 27:601 et seq., and any rules promulgated in accordance therewith, when such laws and rules are not in conflict with the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1140 (November 1996), amended LR 48:

§108. Board Hearings

A.1. Any person against whom an administrative action is proposed, and any person against whom an enforcement action is taken, may request a hearing by filing a written request with the board. The request shall be filed within 10 days of service of the notice of proposed action, or within 10 days of the date the enforcement action is taken. All hearings requested, and any matter the board determines should be heard in a public hearing, shall be conducted in accordance with this Section.

2. If service of the notice of proposed action cannot be made in accordance with, or service can be presumed to have been given in accordance with §109 of this Chapter, the hearing officer may conduct an ex-parte hearing on the merits upon petition by the division.

B.1. - C.1. ...

2. The requesting party shall be notified of the time, date and location of the hearing by certified mail or personal service. If notice of the hearing cannot be made by certified mail or personal service, the requesting party may be notified of the time, date and location of the hearing by United States Postal Service First Class mail or electronic means to the party's last provided physical or mailing or electronic mailing address.

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:77 (January 1997), amended LR 24:2129 (November 1998), LR 48:

§109. Duties of Licensees, Permittees, and Applicants; Service

A. Licensees, permittees, and applicants shall accept all correspondence from the board or division or hearing office.

B. Licensees, permittees, and applicants shall notify the division in writing of all changes of address, phone number, or electronic mail address within 10 days of the change.

C. Except as provided in Subsection D of this Section, notice of proposed administrative actions shall be served on licensees, permittees, and applicants by certified mail, registered mail, or certificate of mailing to the mailing address provided in the application, or latest amendment thereto, on file with the division.

1. If service cannot be made at the last provided mailing address by certified mail, one additional service attempt shall be made by:

a. First Class mail at either the licensee, permittee, or applicant's last provided physical address, if different than the last provided mailing address, or upon the registered agent if any exists; or

b. If service cannot be made in accordance with Subparagraph a of this Paragraph, electronic mail to the most recent electronic mail address provided to the division by the licensee, permittee, or applicant.

D. Notices containing an order of immediate emergency suspension

1. Applicable address is located in Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at:

- i. the last provided physical address of the permittee on record with the division; or
- ii. the last known place of gaming employment if the casino permittee is still employed by a licensee or the casino operator.

b. For licensees, notices containing an order of immediate emergency suspension shall be served by personal service at the physical address of the licensed establishment.

2. Applicable address is located outside Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at the last known place of gaming employment if the casino permittee is still employed by the a licensee or the casino operator.

b. For casino permittees no longer employed by a licensee or the casino operator in Louisiana and for all notices containing an order of immediate emergency suspension where the physical address is located outside of the State of Louisiana, service shall be made in accordance with Subsection C of this Section.

E. If the licensee, permittee, or applicant has supplied any incorrect or incomplete address to the division, or an updated address is not timely provided, such that service cannot be successfully completed or the licensee, permittee, or applicant fails or refuses to accept mail from the division or board, notice shall be presumed to have been given.

F. For service other than by certified or registered mail, service shall be evidenced by a certificate of the manner in which service was made by the party making service and the date of service and shall be considered proof of service and sufficient notice. If service is by electronic mail, a copy of the delivery receipt is also required and service is made on the date shown on the delivery receipt. Service by regular mail shall be considered made on the date the item was mailed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

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

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

- 1. The effect on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development.

4. The effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:965.2-965.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

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

Public Comments

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of June 10, 2022.

Ronnie S. Johns
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Service of Notices**

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

The proposed rule change will result in savings to state governmental units. There will be fewer additional attempts of service using certified mail, registered mail, or certificate of mailing. The rule change provides for two attempts of service of notices on licensees, permittees, or applicants: first by certified mail, registered mail or certificate of mailing and if this attempt is not successful an attempt will be made by first-class mail to the last provided physical address, if different from last provided mailing address, or the registered agent (if any exists), or to the most recent electronic mailing address.

The rule change provides for fewer attempts of personal service of notices of immediate emergency suspension for permittees or licensees located in Louisiana and for the permittees outside Louisiana. The rule change provides that when in Louisiana, the permittee or licensee shall be served by personal service at their last known physical address or last known place of employment if the permittee is still employed. The rule change provides that when outside in Louisiana, the permittee shall be served by personal service at their last known place of employment if the permittee is still employed

or if no longer employed the permittee shall be served first by certified mail, registered mail or certificate of mailing and if this attempt is not successful an attempt will be made by first-class mail to the last provided physical address, if different from last provided mailing address, or the registered agent (if any exists), or to the most recent electronic mailing address. The rule change provides for notices to be presumed to have been given where service cannot be completed successfully because the supplied address is incorrect or incomplete, or an updated address is not timely provided or the licensees, permittees, and applicants fail to accept service.

The rule change provides for service other than by certified or registered mail to be evidenced by a certificate of the manner in which service was made by the party making service and the date of service and shall be considered proof of service and sufficient notice. The rule change provides that for service by electronic mail a copy of the delivery receipt is also required and service is made on the date shown on the delivery receipt. The rule change provides that service by regular mail shall be considered made on the date the item was mailed. During FY 19-20 there were eighty-one first attempts of service of notices by US mail and fifty-one first attempts at personal service. Of the total number of first attempts, there were seven second attempts of service of notices and twenty-three second attempts of personal service. Of the total number of first attempts, there were two third attempts of service of notices and thirteen third attempts of personal service. Of the total number of first attempts, there was only one fourth attempt of personal service.

The rule change also provides for ex parte hearings where service of the notice cannot be made in accordance with, or service can be presumed to have been given in accordance with, Section 109. The rule change provides for notices of hearing to be made by first-class mail or electronic means to the last provided physical or mailing or electronic mailing address found in the adjudicatory record when notice cannot be made by certified mail or personal service. During FY 19-20 there were only six ex parte hearings that were granted. The rule change adds the newer forms of gaming and updates the citations since LAC 42:III.103 was adopted.

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

The proposed rule change will have no effect on revenue collections of state or local governmental units.

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

The proposed rule change will have no effect on costs or economic benefits to directly affected persons, small businesses, or non-governmental units. The proposed rule changes provide the duties for service by licensees, permittees, and applicants. The proposed rule change will require licensees, permittees, and applicants to accept all correspondence from the board, board hearing office, and division and to notify timely (within ten days) of any changes of address, phone number, or electronic mail address. The proposed rule change will require licensees, permittees, and applicants to file a request for a hearing within ten days of service of the notice or date of the enforcement action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Ronnie S. Johns
Chairman
2205#034

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Criminal History Record Checks for Access to Federal Tax Information (LAC 61:I.103)

Under the authority of R.S. 15:587.5, 47:1504.1, 47:1511, and, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.103(D)(3).

The primary purpose of the proposed amendment is to change the timeframe in which criminal history record checks for access to federal tax information must be done. This change is being made to reflect the Internal Revenue Service's updated requirement that criminal history record checks are to be conducted every five years. Fingerprinting and criminal history record checks are mandated by R.S. 15:587.5.

Title 61 REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 1. Office of the Secretary §103. Criminal History Records Checks for Access to Federal Tax Information

A. Introduction and Purpose

1. Safeguarding federal tax information (FTI) is critically important to the continuous protection of taxpayer confidentiality as required by U.S.C. 6103(p)(4) of the Internal Revenue Code and Publication 1075. The Department of Revenue will conduct fingerprinting, along with national, state and local criminal history record checks on all individuals handling and those who may handle FTI in order to ensure the Department of Revenue is making a complete effort to protect the sensitive information of all taxpayers and complying with federal confidentiality laws and background investigation standards. The criminal history record checks will be used to determine the suitability of individuals to access FTI in performance of their job duties or services for the Department of Revenue. In determining suitability, the Department of Revenue will use information obtained through the criminal history record check to identify trends of behavior that may not rise to the criteria for reporting to the FBI or state database, but are a good source of information about the individual.

B. - C. ...

* * *

D. General Provisions for Criminal History Record Checks

1. - 2. ...

3. Criminal history record checks will be completed, at minimum, every five years.

D.4. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.5, R.S. 47:1504.1 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:98 (January 2018), amended LR 48:

Family Impact Statement

The proposed amendment of LAC 61:I.103 should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule should have no impact on:

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

Poverty Impact Statement

The proposed Rule will have no effect on poverty as described in R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. This proposed Rule does not have any known or foreseeable adverse impact on small businesses. Therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule may require the department to hire two additional "When Actually Employed" (WAE) human resource analysts for approximately three months in order to process the high volume of criminal history record checks that will need to be conducted on current and prospective employees, contractors and subcontractors. The proposed Rule does not have any known or foreseeable impact on the department to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule does not have any known or foreseeable impact on the department to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed Rule does not have any known or foreseeable impact on the department to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments, or comments regarding this proposed Rule to Shone T. Pierre, General Counsel, Louisiana Department of Revenue, P.O. Box 66258, Baton Rouge, LA 70896 or by fax to (225) 219-2708. All comments must be received no later than 4:30 p.m., Friday, June 24, 2022.

Public Hearing

A public hearing will be held on Monday, June 27, 2022 at 9 a.m. in the LaBelle Room, located on the first floor of the

LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Criminal History Record Checks for Access to Federal Tax Information

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

The purpose of this proposed amendment to LAC 61:I.103 is to change the timeframe in which criminal history record checks for access to federal tax information must be completed. This change is being made to reflect the Internal Revenue Service's updated requirement that criminal history record checks are to be conducted every five years. Previously, criminal background checks were required every ten years. Fingerprinting and criminal history record checks are mandated by R.S. 15:587.5.

Minor implementation costs to Louisiana Department of Revenue (LDR) are anticipated. LDR will incur one-time costs to conduct updated background checks for existing employees who were not previously due for updates, and will incur ongoing additional costs as the frequency of background checks is increased.

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

No material impacts on revenue collections of state or local governmental units are anticipated due to this proposed rule change.

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

No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule change.

Kevin J. Richard
Secretary
2205#056

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Sales and Use Tax Commission for Remote Sellers

Voluntary Disclosure Agreements
(LAC 61:III.2905)

Under the authority of and in accordance with R.S. 47:340(G)(11) and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Sales and Use Tax Commission for Remote Sellers, ("the commission") through this Notice of Intent, proposes to adopt a rule to provide general guidance and procedures for the administration of voluntary disclosure agreements.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

**Chapter 29. Louisiana Sales and Use Tax Commission
for Remote Sellers**

§2905. Voluntary Disclosure Agreements

A. Definitions. For the purposes of this Section, the following terms are defined. Any terms not specifically defined shall be defined as provided in R.S. 47:339.

Applicant—any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination or group that has a state or local sales or use tax liability to the commission and submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for said undisclosed sales or use tax. Applicants may be registered or unregistered with the commission. If the application is submitted through a representative, anonymity of the applicant can be maintained until the commission accepts the application to request a voluntary disclosure agreement.

Application—a completed application to request voluntary disclosure agreement or an application for multistate voluntary disclosure filed with the Multistate Tax Commission's National Nexus Program and all supplemental information including, but not limited to, cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for a voluntary disclosure agreement. Supplemental information requested by the commission and timely provided by the applicant shall be considered part of the application.

Application Date—the date a fully completed application requesting a voluntary disclosure agreement is received by the commission. Supplemental information requested by the commission timely provided by the applicant shall not extend or delay the application date.

Commission—the Louisiana Sales and Use Tax Commission for Remote Sellers.

Delinquent Penalty—any specific penalty imposed pursuant to R.S. 47:1602,1604.1, 337.70 or 337.73 as a result of the failure of the taxpayer to timely make any required return or payment.

Look-Back Period—a period for which an applicant agrees to disclose and pay the tax and interest due.

Signing Date—the date the voluntary disclosure agreement is signed by the chairman or his authorized representative.

Undisclosed Liability—a tax liability that became due during the look-back period and which has not been determined, calculated, researched, identified by or known to the commission at the time of disclosure and which would likely not be discovered through normal administrative activities. The undisclosed liability must exceed \$500 during the look-back period to qualify for consideration of a voluntary disclosure agreement. The commission has the discretion to conduct an audit of the applicant's records to confirm the amount of the undisclosed liability.

Voluntary Disclosure Agreement—a contractual agreement between an applicant and the commission wherein the applicant agrees to pay the tax and interest due on an undisclosed liability, and the commission agrees to remit or waive payment of the whole or any part of the

penalty associated with that liability and to restrict collection of prior liabilities to the look-back period, except for periods in which tax was collected and not remitted.

B. Program Requirements

1. An undisclosed liability will qualify for a voluntary disclosure agreement if it results from the underpayment or non-payment of sales tax due to an error in the mathematical computation of the tax due on the return, interpretation of the law, or process of reporting the tax due on the return. An undisclosed liability also qualifies if it resulted from the merger or acquisition of a company that previously failed to properly report sales and use taxes to the commission.

a. An error in the mathematical computation of the tax due on the return is an error on the part of the taxpayer in mathematical computation on the face of the return or on any of the supporting documents or the unintentional failure to include all amounts necessary for calculating the correct amount of taxes due on the return.

b. An error in the interpretation of the law is a construction of the law on the part of the taxpayer contrary to the commission's construction of the law that caused the applicant to incorrectly determine that no tax or a smaller amount of tax was due.

c. An error in the process of reporting the tax due on the return is an error, omission, or a mistake of fact of consequence to the determination of the tax liability on the part of the taxpayer.

2. Notwithstanding the provisions of Paragraph 1 of this Subsection, an applicant shall fail to comply with the requirements for a voluntary disclosure agreement under the following conditions.

a. The applicant is registered as a dealer that is required to report retail sales or sales at retail, as defined in R.S. 47:301(4)(m), to the commission on the application date and the undisclosed liability results from the applicant's failure to file remote seller sales tax returns.

b. The undisclosed liability results from the filing of false, fraudulent, or grossly incorrect returns and the circumstances indicate that the taxpayer had intent to defraud the commission of the tax due under all state and local sales tax impositions.

c. The applicant has been contacted by the commission to inquire about a tax matter, including but not limited to nexus, a potential tax liability or an audit of the taxpayer's records provided such contact occurred in writing and prior to the application date of the agreement.

d. The applicant is affiliated, as defined by law, with an entity that has been contacted by the commission for the purpose of performing an audit. An applicant shall be considered in compliance with the requirements of the voluntary disclosure program after the audit of the affiliated entity has been completed, provided the undisclosed liability qualifies under the criteria described in Paragraph 1 of this Subsection and the applicant is not disqualified under the criteria listed in Subparagraphs a, b or c of this Paragraph.

3. Notwithstanding the conditions listed in Paragraphs 1 and 2 of this Subsection, applicants that applied for a voluntary disclosure agreement with the commission prior to the effective date of this rule and subsequently entered into a voluntary disclosure agreement with the commission shall be deemed to have met the program requirements.

C. Application and Evaluation of Offer to Enter into a Voluntary Disclosure Agreement

1. Applications to enter into voluntary disclosure agreements by taxpayers seeking relief from penalties in cases where a liability to the commission is owed shall be filed on forms provided and in the manner prescribed by the commission. The applicant or his authorized representative, acting under the authority of a power of attorney, shall sign the application, provide a statement of the facts, and include any other information or declarations required to verify that the applicant has complied with program requirements. Taxpayers may apply anonymously or disclose their identity on the application form.

2. If unregistered, the applicant shall apply to the commission for a sales tax account within 30 days of the application date.

3. The commission shall review the application and, based upon the information included therein, determine if the applicant complies with the requirements for a voluntary disclosure agreement. If the applicant complies, the offer will be accepted. If the applicant fails to comply, the offer will be denied.

D. Acceptance of Offer to Enter into Voluntary Disclosure Agreement

1. After the commission has reviewed the application and determined from the information included therein that the applicant qualifies for a voluntary disclosure agreement, the commission shall send a copy of the agreement, including the legal name of the taxpayer, to the applicant or the applicant's representative for signature.

2. The applicant or applicant's representative, acting under the authority of a power of attorney, must sign the agreement and return it to the commission within 30 calendar days of the postmark or e-mail date, or within any extension of time authorized by the commission beyond 30 calendar days from the postmark or e-mail date.

3. After the signed agreement is received from the applicant, the chairman will sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

4. If the application was submitted to the Multistate Tax Commission, the applicant shall return signed agreements in accordance with policies established by the Multistate Tax Commission.

E. Determining the Look-back Period and Treatment of Periods prior to the Look-back Period

1. Except for taxes collected and not remitted, the look-back period for existing entities shall include that portion of the current calendar year prior to and including the application date and the three immediately preceding calendar years or the amount of time they were required by R.S. 47:340(G)(6)(a) to be registered with the commission if less than three years.

2. Except for taxes collected and not remitted, the look-back period for a discontinued, acquired, or merged entity shall include the last calendar year in which the discontinued, acquired, or merged entity had nexus in a jurisdiction and the three immediately preceding calendar years.

3. For taxes collected and not remitted, the look-back period shall include all filing periods in which tax was collected and not remitted up to and including the

application date. This look-back period shall not affect the look-back period described Paragraphs 1 or 2 of this Subsection for undisclosed liabilities unrelated to tax collected and not remitted.

4. The commission, in concurrence with the applicant, may adjust the look-back period to accommodate special circumstances.

5. Look-back periods shall be established from the application date, unless the liability results from a merged or acquired entity as described in Paragraph 2 of this Subsection or there is mutual agreement to adjust a look-back period as provided in Paragraph 4 of this Subsection.

6. Periods prior to the look-back period shall be considered part of the voluntary disclosure agreement. However, payment is not required for any taxes due for these periods.

7. Under the agreement, the applicant and the commission agree to suspend prescription for the look-back period as follows:

a. through June 30 of the calendar year subsequent to the signature date when that date occurs on or after January 1 and on or before June 30; and

b. through December 31 of the calendar year subsequent to the signature date when that date occurs on or after July 1 and on or before December 31.

F. Payment of Tax, Interest, and Penalty Due

1. All tax due for the look-back period must be paid within 60 calendar days of the chairman's signing date of the voluntary disclosure agreement or within any extension of time authorized by the commission beyond 60 calendar days of the signing date. All schedules or returns required by the commission to show the amount of tax due must be included with this payment.

2. The commission shall compute the interest and penalty due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax, interest and delinquent penalty due. The applicant must submit payment of the full amount of the interest and any penalties not abated or waived within 30 calendar days from the postmark or e-mail date of the schedule or, if applicable, within any extension of time granted by the commission. If payment of the full amount due has not been received at the expiration of such time, the commission may void the agreement.

G. Waiver or Remittance of Payment of Penalty

1. After all tax and interest due for the look-back period have been paid, the delinquent penalties will be abated or waived, unless the tax disclosed was collected but not remitted.

2. Where the tax was collected but not remitted, the commission may consider waiving payment of the whole or any part of the delinquent penalties on a case-by-case basis.

H. The commission may disclose tax information to the Multistate Tax Commission or any political subdivision of the state which has entered into an information exchange agreement with the commission in order to coordinate the delivery and acceptance of applications for voluntary disclosure agreements. Any information so furnished shall be considered and held confidential and privileged by the Multistate Tax Commission or the political subdivision to the extent provided by R.S. 47:1508.

I. The commission may conduct an audit of the look-back period to confirm that the correct amount of tax has been paid. Interest and penalty may be assessed on tax found due in excess of the amounts reported under the voluntary disclosure agreement. The commission shall not assess additional interest or penalty for amounts reported and paid under the voluntary disclosure agreement except in cases of fraud, material misrepresentation, or any such misrepresentation of the facts by the taxpayer.

J. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

K. The commission reserves the right to void the voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:340(G)(11).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Sales and Use Tax Commission for Remote Sellers LR 48:

Family Impact Statement

The proposed adoption of LAC 61:III.2905, regarding a Voluntary Disclosure Program for Remote Sellers, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed adoption of LAC 61:III.2905 will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that the proposed regulation should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed regulation will have no known or foreseeable effect on:

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

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Renee Ellender Roberie, Executive Director,

Louisiana Sales and Use Tax Commission by mail to P.O. Box 2068, Baton Rouge, LA 70821. All comments must be received no later than Monday, 4:00 p.m., June 27, 2022.

Public Hearing

A public hearing will be held on Tuesday, June 28, 2022, at 2:00 p.m. in the Committee Room, on the first floor of the 7722 Office Park Blvd, Baton Rouge, LA 70809.

Jeff Lagrange
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Voluntary Disclosure Agreements

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule creates the Voluntary Disclosure Program.

The Louisiana Sales and Use Tax Commission for Remote Sellers was created by Act 274 of the 2017 Regular Legislative Session. The Commission began collecting sales tax on behalf of state and local governments on 7/1/2020. The Voluntary Disclosure Program is part of the commission's continued development of operations. The Commission is charged with the administration and collection of sales and use tax with respect to remote sellers.

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

The Voluntary Disclosure Program will have an indeterminable impact on state and local revenue. SGF revenue will decrease as penalties are waived for those taxpayers accepted into the program, however, the program may also encourage taxpayers to register and submit taxes that might not otherwise have been collected and remitted.

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

Businesses will need to submit an application to the commission in order to apply for the Voluntary Disclosure Program. Additional cost for completion and submission of the required paperwork by participating businesses are expected to be minor. Businesses are already expected to be filing monthly tax returns if they are remote sellers collecting sales tax.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not expected to have an effect on competition and/or employment.

Renee Ellender Roberie
Executive Director
2205#032

Evan Brousseau
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Teachers' Retirement System

Mandatory Enrollment of Employees Employed
by 11:157 Employers (LAC 58:XVIII.1701)

The Municipal Police Employees' Retirement System propose to adopt LAC 58:XVIII Chapter 17 as authorized by R.S. 11:2225(A)(1). This proposed Rule is promulgated in

accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Board of Trustees of the Municipal Police Employees' Retirement System is proposing a new Chapter 17 to the Louisiana Administrative Code that deals with automatic enrollment of new employees of participating employers. This rule is codifying current statute.

Title 58

EMPLOYERS

Part XVIII. Municipal Police Employees'

Retirement System

Chapter 17. Employers

§1701. Mandatory Enrollment of Employees Employed by 11:157 Employers

A. To comply with the mandatory enrollment provisions of R.S. 11:157(A), an employer must enroll each employee in the retirement system on the first day the employee qualifies for membership. The employer shall remit to the retirement system the required employee and employer contributions no later than the fifteenth day of the month following the first day the employee qualifies for membership. If the employee subsequently submits an affidavit under R.S. 11:157(C) before the end of the first calendar month during which the employee qualified for membership in the retirement system, a prorated amount of employer contributions shall be refunded to the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy as there will be no additional cost to the employee.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Poverty Impact Statement

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

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

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Since this is something employers are already required to do, there is no additional work involved. In particular, there should be no known or foreseeable effect on:

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

Public Comments

Interested persons may submit written comments to Ashlee McNeely, Municipal Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809. She is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is not being held as this Rule is codifying current statute and the practice is already in use within the system. Anyone requesting a hearing may do so by sending a written request to Ashlee McNeely, Municipal Police Employees' Retirement System, 7722 Office Park Blvd. Suite 200, Baton Rouge, LA 70809.

Benjamin A. Huxen
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Mandatory Enrollment of Employees Employed by 11:157 Employers

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

To the extent that an employee maintains enrollment in MPERS, the municipality will be required to make contributions to MPERS in addition to Social Security. The employer contribution rate for MPERS (29.75%-31.25%) is more than the contribution rate to Social Security (6.2%).

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

It is estimated that the implementation of this proposed rule will not affect revenue collections of the state or local governmental units.

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

There is an estimated impact to the new employee and the municipality, as employer and employee contributions will need to be paid to the system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Benjamin A. Huxen
Executive Director
2205#052

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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

The Wildlife and Fisheries Commission does hereby give notice of its intent to establish Rules and Regulations for Cervid Carcass Exportation and Baiting Regulations within Louisiana Department of Wildlife and Fisheries (LDWF) designated Chronic Wasting Disease (CWD) Control Areas. On February 2, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected CWD in a sample submitted by LDWF from a hunter harvested adult buck in Tensas Parish. The sample was subsequently confirmed by the National Veterinary Services Laboratory in Ames, Iowa. Upon detection, LDWF has implemented its CWD Response Plan to curb the spread of CWD in Louisiana. The action is intended to reduce further spread of the disease through anthropogenic pathways.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§137. Rules and Regulations for Chronic Wasting Disease Control Areas

A. Definitions

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

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

Control Area—LDWF designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The Control Area shall be listed on the LDWF website.

LDWF—The Louisiana Department of Wildlife and Fisheries.

B. Baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD Control Area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt, grain, or other feed has been placed, exposed, deposited, distributed or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. The use of approved bait not normally ingested by deer for feral hog trapping will still be allowed.

C. The export of any cervid carcass or part of a cervid carcass originating within a LDWF designated CWD Control Area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

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

E. Prior to the 2022-23 deer hunting season, LDWF is directed to determine whether there is sufficient capacity to perform taxidermy services for cervids taken within the Control Area and report those findings to the Wildlife and Fisheries Commission. If it is determined that there is insufficient capacity to provide adequate taxidermy services for cervids harvested within the Control Area, LDWF shall establish a permitting system to be in effect no later than the opening of the 2022-23 deer hunting season to allow for uncleaned cervid heads to be transported out of the Control Area solely for taxidermy purposes.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8. The proposed prohibition on the export of cervid carcasses and certain parts of cervid carcasses from the Control Area may reduce revenues for small businesses, particularly taxidermists, outside those parishes but increase potential earnings for businesses within the area. It may also

negatively affect small retailers that sell bait and supplements.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until Wednesday, July 6, 2022 to Johnathan Bordelon, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to jbordelon@wlf.la.gov.

Public Hearings

Public hearings will be held Friday, May 27, 2022 at the LSU AgCenter Macon Ridge Research Station, Winnsboro, LA and Saturday, May 28, 2022 at the LSU AgCenter Northeast Louisiana Research Station, St. Joseph, LA. These public hearings are held for informational purposes. For more information, contact Johnathan Bordelon, LDWF Deer Program Manager (318) 487-5334 or jbordelon@wlf.la.gov.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Chronic Wasting Disease Control Areas

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

The various proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes do the following:

(1) prohibit the exportation of any cervid ("deer") carcasses or certain parts of deer carcasses or other cervids harvested in Franklin, Madison, or Tensas parishes ("the Control Area"), except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned deer teeth.

(2) Requires all approved parts and deboned meat of deer harvested in Franklin, Madison, or Tensas parishes to contain a possession tag with the hunter's name, license number, address, species, data, and location,

(3) Prohibits the use of feed or bait to attract deer in Franklin, Madison, or Tensas parish, and

(4) Requires the Louisiana Department of Wildlife and Fisheries (LDWF) to determine whether there is sufficient capacity to perform taxidermy services for cervids taken in the Control Area prior to the 2022-2023 deer hunting season. If taxidermy services within the Control Area are determined to be insufficient, the LDWF shall establish a permitting system to allow for the transportation of uncleaned cervid heads out of the Control Area for taxidermy purposes. If a permit system is required, the department anticipates it will be able to implement with existing staff and resources.

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

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries or other state or local governmental units.

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

The proposed rule change is intended to impede the spread of chronic wasting disease (CWD) from portions of Louisiana

where it was recently detected into other parts of the state. The proposed rule change will benefit hunters and businesses that provide hunting-related goods and services to the extent that the prohibition minimizes the transmission of the disease into Louisiana.

If the LDWF study determines that taxidermy services within the Control Area are able to meet the needs of hunters who harvest deer within the three-parish area, the proposed rule change may increase revenues for taxidermists in Franklin, Madison, and Tensas parishes but reduce earnings opportunities for taxidermists in other areas of Louisiana. Spending for taxidermy services affected by the proposed ban on the export of carcasses may range from \$139,500 to \$209,500. Much of this spending may not be displaced but simply transferred from businesses outside the area to businesses within the three parishes. If the LDWF determines that a permit system is necessary, permits will be made available to the public at no cost.

The decrease in revenues from the sale of deer feed and supplements to hunters in the area as a result of the proposed prohibition on the use of bait to attract deer in Franklin, Madison, and Tensas parishes may range from \$760,000 to \$1.04 million. To the extent that individuals in these parishes substitute feed for other methods of attracting deer, such as planting clover, the loss in revenues may be lessened.

The proposed prohibition on the use of bait to attract deer may also reduce sales of feeding stations, dispersers, storage units, and other related gear and equipment. Because data on the use of and expenditures for deer baiting and feeding equipment are not available, the expected decrease in sales in this category cannot be assessed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2205#051

Evan Brasseur
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Marking of Gill Nets, Trammel Nets, Hoop Nets,
Slat Traps, and Wire Nets (LAC 76:VII.114)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do provide notice of their intent to add a Rule (LAC 76:VII.114) regarding the marking of gill nets, trammel nets, hoop nets, slat traps, and wire nets in inland waters. This Rule is intended to reduce litter and ensure accountability for passive gear being fished. This Rule expands on the saltwater net marking Rule (LAC 76:VII.325).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to

prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§114. Marking System for Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets

A. Each gill net or trammel net shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than 3 feet from the edge of the webbing or on the attached buoy in indelible ink. Each hoop net, slat trap, or wire nets shall be marked with a waterproof tag attached directly to the device. Said tags shall be supplied by fisherman and to be completely waterproof. Each tag shall have the fisherman's full name (no initials) and the appropriate commercial or recreational fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

B. Each gill net or trammel net shall be marked with buoys which shall be visible above the surface of the water. Said buoys shall be supplied by the commercial fisherman, have a minimum diameter of 6 inches and be international orange in color. The buoys shall be attached to each end of the net.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, 56:320(F), and 326.3.

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

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed rule to Robby Maxwell, Department of Wildlife and Fisheries, 1213 N. Lakeshore Dr., Lake Charles, LA, 70601, or via e-mail to rmaxwell@wlf.la.gov prior to July 5, 2022.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marking of Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change requires the attachment of waterproof tags to all hoop nets, slat traps, and wire nets placed in Louisiana waters by commercial and recreational fishers. Each waterproof tag shall include the fisher's full name and fishing license number.

It requires the attachment of waterproof tags and buoys to all gill nets and trammel nets deployed by commercial fishers in Louisiana waters.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

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

The proposed rule change is expected to benefit fisheries management by identifying ownership of private property placed in public waterways and to benefit public safety by marking the location of items that may pose a potential risk to boaters and other users.

The proposed rule requiring attachment of waterproof tags to hoop nets, slat traps, and wire nets is expected to result in a minor increase in costs for anglers and commercial fishers. The proposed rule mandating waterproof tags and buoys on gill nets and trammel nets is expected to raise costs for commercial fishers by a minor amount.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment in Louisiana.

Bryan McClinton
Undersecretary
2205#010

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies (LAC 28:CXXI.Chapters 1-29)

Editor's Note: This Notice of Intent is being reprinted because of an error upon submission. The original Notice of Intent can be viewed in its entirety on pages 1166-1193 of the April 20, 2022 *Louisiana Register*.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

(BESE) proposes to repeal and re-establish the content of LAC 28:CXXI. *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies* to reflect the new content standards. The aforementioned revisions are in response to the requirement in R.S. 17:24.4 that BESE develop state academic content standards and the requirement in LAC 28:CV.2301(C) that content standards be subject to review and revision every seven years. The updated social studies content standards were approved at the March 2022 BESE meeting. Consequently, LAC 28:CXXI will be repealed and re-established to reflect the updated academic standards.

Title 28

EDUCATION

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

Chapter 1. General

§101. Introduction

A. The Louisiana student standards define what a public school student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. They represent the knowledge and skills needed for students to successfully transition from each grade and ultimately to postsecondary education and the workplace, as determined by content experts, elementary and secondary educators and school leaders, postsecondary education leaders, and business and industry leaders. The standards set forth what learning should be taught; local education agencies, their school leaders and classroom educators should determine how the standards should be taught, including the curricula and instructional materials that should be used to meet students' individual needs in mastering the standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§103. Louisiana Content Standards Foundation Skills

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2802 (November 2005).

§105. Information Literacy Model for Lifelong Learning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2802 (November 2005).

§107. Louisiana Social Studies Content Strands

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005).

§109. Louisiana Social Studies Strands

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005).

Chapter 3. Kindergarten—Life in My Home, School, and Local Community

§301. Introduction

A. Kindergarten students are introduced to the world beyond their family and home. Kindergarten students will build upon experiences with their families, schools, communities, and parishes as they begin their study of the most fundamental principles and ideas of each of social studies' core disciplines: history, civics, economics, and geography.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§303. History

A. Order events in a chronological sequence using schedules, calendars, and timelines. For example:

1. Daily classroom activities; and
2. Significant events in students' lives.

B. Differentiate between primary and secondary sources. For example:

1. Primary sources to include letters, diaries, autobiographies, speeches, and interviews; and
2. Secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Identify symbols, customs, famous individuals, and celebrations representative of our state and nation, including:

1. Symbols to include the United States flag, bald eagle, Louisiana State flag, and brown pelican;
2. Customs to include pledging allegiance to the United States flag and singing "The Star-Spangled Banner;"
3. Individuals to include George Washington, Abraham Lincoln, and Dr. Martin Luther King, Jr.; and
4. State and nationally designated holidays to include

New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

E. Identify examples of different cultures and traditions in Louisiana, including:

1. Music to include Cajun, jazz, and zydeco;
2. Traditions to include king cake, red beans and rice on Mondays; and
3. Cuisine to include jambalaya, gumbo, etoufee, bread pudding, meat pies, and tamales.

F. Identify a cause and effect for a significant event in a school, neighborhood, or parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§305. Civics

A. Explain the purpose of local government.

B. Describe the importance of fairness, responsibility, respect, and hard work. For example:

1. Taking care of personal belongings and respecting the property of others;

2. Following rules and recognizing consequences of breaking rules; and

3. Taking responsibility for assigned duties.

C. Describe organizations and individuals within a school or parish that help solve issues, including the school principal, school custodian, volunteers, police officers, and fire and rescue workers.

D. Describe the importance of rules and how they help protect our liberties.

E. Explain how people can work together to make decisions.

F. Identify local business and government leaders and describe their roles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§307. Economics

A. Identify examples of goods and services. For example:

1. goods to include food, toys, and clothing; and
2. services to include medical care, fire protection, law enforcement, and library resources.

B. Describe and compare reasons to save and spend money.

C. Differentiate between wants and needs.

D. Identify jobs and industries within a school and community.

E. Describe the concept of scarcity using examples.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§309. Geography

A. Use maps and models to describe relative location. Examples can include locating objects and places to the right or left, up or down, in or out, and above or below.

B. Identify basic landforms and bodies of water in a variety of visual representations, including mountains, hills, coasts, islands, lakes, and rivers.

C. Identify ways people interact with their environment, including:

1. Using natural resources and
2. Modifying their environment to create shelter.

D. Identify rural, suburban, and urban areas.

E. Explain how weather impacts daily life and choices.

F. Explain why people may move from place to place.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

Chapter 5. Grade 1—Life in the Great State of Louisiana

§501. Introduction

A. The focus in grade 1 is helping students acquire knowledge regarding their place in the local community and in Louisiana. First graders will gain a deeper sense of their role as citizens in a democratic society as they develop an awareness of their basic rights and responsibilities, including the laws designed to protect them. Students will continue to develop a sense of time and place as they increase their understanding of the past, present, and future through the study of Louisiana's rich history and culture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§503. History

A. Create a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. For example:

1. primary sources to include letters, diaries, autobiographies, speeches, and interviews; and

2. secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

E. Compare life in Louisiana in the past to life today.

F. Describe how past events can affect the present.

G. Compare the lives of Louisianans today in urban, suburban, and rural parishes.

H. Identify examples of Louisiana's culture, including:

1. State and nationally designated holidays: New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

2. Music: Cajun, jazz, zydeco

3. Languages: French, Spanish, Native languages, for example, Atakpan, Caddo, and Choctaw

4. Architecture: St. Louis Cathedral, The Cabildo, State Capitol, Louisiana Superdome, Strand theater, Sports Hall of Fame, The National WWII Museum

5. Traditions: lagniappe, second line parades, king cake, red beans and rice on Mondays

6. Cuisine: jambalaya, gumbo, etouffee, bread pudding, meat pies, tamales

7. Symbols: Louisiana State flag, brown pelican, magnolia tree, brown bear

I. Identify cultural groups that influenced Louisiana, including Acadians, Africans, Canary Islanders, French, Germans, Haitians, Native Americans, Asian Americans, French, and Spanish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§505. Civics

A. Describe the purpose of the state government of Louisiana.

B. Identify Louisiana as a unique state among fifty, and as a part of the United States.

C. Identify each of the branches of the state government of Louisiana.

D. Describe examples of rules and laws in Louisiana.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe the importance of fairness, responsibility, respect, and hard work. For example:

1. Taking care of personal belongings and respecting the property of others;

2. Following rules and recognizing consequences of breaking rules; and

3. Taking responsibility for assigned duties.

G. Identify leaders at various levels of Louisiana State government and explain their roles and responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§507. Economics

A. Differentiate between producers and consumers.

B. Identify examples of an economic cost or benefit of a decision or event.

C. Describe how different public and private jobs help Louisianans. For example:

1. Public: firefighters keeping people and their property safe

2. Private: nurses caring for sick or injured people

D. Explain why and how goods and services are produced and traded.

E. Describe how scarcity requires people to make choices.

F. Identify and describe which goods and services are produced in different places and regions in Louisiana.

G. Describe the importance of natural resources in Louisiana, including timber, seafood, and oil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§509. Geography

A. Create and use maps or models with cardinal directions, keys, and scale.

B. Identify where Louisiana is within the United States and on the globe.

C. Differentiate between the town, parish, state, and country in which the student lives on a political map.

D. Identify places, regions, and landforms in Louisiana, and describe their relative locations including the cultural region North Louisiana, Central Louisiana, Southwest Louisiana, Florida Parishes, Acadiana, Bayou Region, and Greater New Orleans.

E. Describe the physical characteristics of various regions of Louisiana, including bayous, swamps, floodplains, forests, and farmland.

F. Describe ways people in Louisiana change their environment to meet their needs, including the construction of bridges and levees.

G. Explain how Louisianans have successfully met the challenges posed by natural disasters.

H. Explain how and why people and goods move from place to place.

I. Explain how the physical landscape of Louisiana affected the settlement of Native Americans and early settlers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 7. Grade 2—Life in Our Great Country, the United States of America

§701. Introduction

A. The goal in grade 2 is to introduce students to major historical events, figures, and symbols related to the principles and founding of American democracy. Young students learn to value differences among people and exemplify a respect for the rights and opinions of others. Students will also develop an appreciation of shared values, principles, and beliefs that promote stability for our country's government and its citizens while building knowledge about our founding documents, system of government, and individuals who exemplify American values and principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48

§703. History

A. Create and use a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. For example:

1. Primary sources: letters, diaries, autobiographies, speeches, interviews

2. Secondary sources: magazine articles, textbooks, encyclopedia entries, biographies

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and secondary sources with clear reasoning.

E. Compare life in the United States in the past to life today.

F. Describe the significance of the American Revolution and the founding of the United States.

G. Identify and describe national historical figures, celebrations, symbols, and places.

1. Identify and describe the Founding Fathers, including George Washington, Thomas Jefferson, Benjamin Franklin, Patrick Henry, John Adams, John Hancock, and James Madison.

2. Identify and describe historical female figures, including Abigail Adams, Anne Hutchinson, Dolley Madison, Betsy Ross, and Phillis Wheatley.

3. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. Describe the history of American symbols, including the Liberty Bell, United States flag (etiquette, customs pertaining to the display and use of the flag), bald eagle, national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

5. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

6. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

H. Interpret legends, stories, and songs that contributed to the development of the cultural history of the United States, including Native American legends, African American history, tall tales, and stories of folk heroes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§705. Civics

A. Describe the structure and responsibilities of each of the three branches of the U.S. government (legislative, executive, judicial).

B. Identify and describe principles of American democracy and relate them to the founding of the nation.

a. Identify reasons for the settlement of the 13 colonies and the founding of the United States, including the search for freedom and a new life.

b. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States, including equality under the law and fair treatment for all.

C. Explain the purpose of rules and laws in the United States.

D. Define governmental systems, including democracy and monarchy.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe how hard work, good habits, consistent attendance in school, and planning for the future can help students achieve goals, including attending college, learning a trade, and having a successful career.

G. Compare local, state, and national elected officials and explain their roles and responsibilities, including the president, governor, mayor, and representatives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§707. Economics

A. Describe the United States in economic terms, including free enterprise, private property, producers and consumers, profit and loss, costs and benefits, and imports and exports.

1. Describe how people are both producers and consumers.

2. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

4. Identify examples of an economic cost or benefit of a decision or event.

B. Explain why and how people specialize in the production of goods and services.

C. Explain how scarcity of resources and opportunity costs require people to make choices to satisfy wants and needs.

D. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§709. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe geographic features and physical characteristics of places in the United States and the world, including mountains, hills, plains, deserts, coasts, islands, peninsulas, lakes, oceans, and rivers.

C. Identify and locate the four hemispheres, equator, and prime meridian.

D. Describe the relative location of the United States.

E. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

F. Identify natural disasters such as blizzards, earthquakes, tornadoes, hurricanes, and floods and explain their effects on people and the environment.

G. Explain how and why people, goods, and ideas move from place to place.

H. Describe how and why people from various cultures immigrate to the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 9. Grade 3—The American Story: People, Places, and Papers

§901. Introduction

A. Building on what students learned in grade 2 about our founding documents and system of government, this course continues to introduce students to major historical events, figures, symbols, and places related to the development and history of the United States of America. In grade 3, students examine the people, places, and papers in United States history that exemplify American ideals and fundamental values such as equality under the law, liberty, justice, and responsibility for the common good. Students will also focus on building their geographic knowledge of North America and the wider world, while further developing an understanding of how the environment affects its inhabitants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§903. History

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Explain connections between ideas, events, and developments in U.S. history.

C. Use a variety of primary and secondary sources to:

1. Analyze social studies content.

2. Explain claims and evidence.
3. Compare and contrast multiple sources.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

E. Compare life in the United States in the past and present.

F. Identify and describe national historical figures, celebrations, and symbols.

1. Describe the achievements of George Washington, Thomas Jefferson, Lewis and Clark, Sacagawea, Abraham Lincoln, Frederick Douglass, Harriet Tubman, Sojourner Truth, Sitting Bull, George Washington Carver, Susan B. Anthony, Mabel Ping-Hua Lee, Theodore Roosevelt, the Wright Brothers, Thomas Edison, Henry Ford, Alexander Graham Bell, Dr. Martin Luther King Jr., Jackie Robinson, Sally Ride, Katherine Johnson, and Mae Jemison.

2. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

3. Describe the history of American symbols, including the Liberty Bell, U.S. flag (etiquette, customs pertaining to the display and use of the flag), bald eagle, national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

4. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King, Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

5. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

G. Describe the significance of major events in the history of the United States, including the American Revolution, Louisiana Purchase, Lewis and Clark Expedition, the abolition of slavery following the Civil War, women's suffrage movement, civil rights movement, and the Space Race.

H. Describe how voluntary and involuntary migration have affected the United States.

I. Describe how technological advancements such as the steam engine, railroad, automobile, electricity, telephone, radio, television, microwave, and digital technologies have affected the lives of people in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§905. Civics

A. Recognize functions of the Declaration of Independence and the Constitution of the United States.

1. Describe the process by which a bill becomes law.
2. Describe the responsibilities of the three branches of government.

3. Explain the relationship between the federal government and state government.

4. Compare and contrast representative democracy (republic) and monarchy.

5. Explain how our founding documents protect individuals' rights to life, liberty, and the pursuit of happiness.

B. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States.

C. Explain the significance of the Emancipation Proclamation and the Thirteenth Amendment.

D. Describe civic virtues: voting, running for office, serving on committees, and volunteering.

E. Describe how and why people become citizens of the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§907. Economics

A. Describe the United States in economic terms: free enterprise, private property, producers and consumers, profit and loss, supply and demand, and imports and exports.

1. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

2. Explain how the interaction between producers and consumers in a free market satisfies economic wants and needs.

2. Explain how supply and demand can affect the prices of goods and services.

3. Differentiate between imports and exports.

4. Explain why and how people specialize in the production of goods and services.

B. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

C. Describe the relationship between scarcity and opportunity cost in economic decision making.

D. Describe the importance of personal financial decision making such as budgeting and saving.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§909. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe the geographic features of places in the United States.

C. Interpret geographic features of the United States using a variety of tools such as different types of maps and photos.

D. Identify and locate the four hemispheres, equator, and prime meridian.

E. Locate and describe the seven continents and five oceans.

F. Describe the relative location of the United States.

G. Describe why and how people in the United States have modified their environment.

H. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

I. Describe the importance of conservation and preservation.

J. Describe how the regions of the United States vary culturally and economically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 11. Grade 4—The Ancient World

§1101. Introduction

A. After building knowledge in grades K-3 about their community, parish, state, and nation, students are ready to expand their historical horizons and begin an exploration of the ancient and classical world. In grade 4, students are introduced to the story of human civilization and will examine key characteristics of society, government, and culture in the ancient Near East, Northern Africa, India, Greece, Rome, China, and the Americas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1103. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. Analyze social studies content.

2. Explain claims and evidence.

3. Compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. Demonstrate an understanding of social studies content.

2. Compare and contrast content and viewpoints.

3. Explain causes and effects.

4. Describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, and deserts; cardinal and intermediate directions; climate and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of ancient civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the characteristics of nomadic hunter-gatherer societies, including their use of hunting weapons, fire, shelter and tools.

J. Describe early human migration out of Africa, first to Europe and Asia, then to the Americas and Australia.

K. Explain the effects of the Agricultural Revolution, including the barter economy, food surpluses, domestication of plants and animals, specialization, and the growth of permanent settlements.

L. Identify and explain the importance of the following key characteristics of civilizations: culture, specialization, infrastructure, stable food supply, government, technology, belief systems, writing, and social structure.

M. Describe the geographic, political, economic, and cultural structures of the ancient Near East.

1. Identify and locate geographical features of the ancient Near East, including the Black Sea, Persian Gulf, Euphrates River, Tigris River, Mediterranean Sea, and Zagros Mountains.

2. Explain how geographic and climatic features led to the region being known as the Fertile Crescent.

3. Explain how irrigation, silt, metallurgy, production of tools, and the use of animals and inventions such as the wheel and plow led to advancements in agriculture.

4. Describe how changes in agriculture in Sumer led to economic growth, expansion of trade and transportation, and the growth of independent city-states.

5. Identify important achievements of the Mesopotamian civilization, including cuneiform, clay tablets, ziggurats, and the Epic of Gilgamesh as the oldest written epic.

6. Describe the significance of the written law in the Code of Hammurabi, and explain the meaning of the phrase “an eye for an eye and a tooth for a tooth.”

7. Describe the achievements of the ancient Israelites.

N. Describe the geographic, political, economic, and cultural structures of ancient Egypt.

1. Identify and locate geographic features of ancient Egypt, including the Mediterranean Sea, Red Sea, Nile River and Delta, and the Sahara Desert.

2. Explain the structure of ancient Egyptian society, including the relationships between groups of people and the role played by the pharaoh and enslaved people.

3. Explain Egyptian beliefs about the afterlife, the reasons for mummification, and the use of pyramids.

4. Describe the significance of key figures from ancient Egypt, including Queen Hatshepsut, Ramses the Great, and the significance of the discovery of Tutankhamun’s tomb on the modern understanding of ancient Egypt.

5. Describe the achievements of ancient Egyptian civilization, including hieroglyphics, papyrus, and the pyramids and Sphinx at Giza.

6. Describe the cultural diffusion of ancient Egypt with surrounding civilizations through trade and conflict.

O. Describe the geographic, political, economic, and cultural structures of ancient India.

1. Identify and locate geographic features of ancient India, including the Ganges River, Indus River, Himalayan Mountains, Indian Ocean, and the subcontinent of India.

2. Explain the emergence of civilization in the Indus River Valley as an early agricultural civilization and describe its achievements, including architecture built with bricks, roads arranged into a series of grid systems, and sewer systems.

3. Identify the long-lasting intellectual traditions that emerged during the late empire of ancient India, including advances in medicine and Hindu-Arabic numerals.

P. Describe the geographic, political, economic, and cultural structures of ancient Greece.

1. Identify and locate geographic features of ancient Greece, including the Mediterranean Sea, Athens, the Peloponnesian peninsula, and Sparta.

2. Describe how the geographic features of ancient Greece, including its mountainous terrain and access to the Mediterranean Sea contributed to its organization into city-states and the development of maritime trade.

3. Describe the concept of the polis in Greek city-states, including the ideas of citizenship, civic participation, and the rule of law.

4. Explain the basic concepts of direct democracy and oligarchy.

5. Explain the characteristics of the major Greek city-states of Athens and Sparta, including status of women, approaches to education, type of government, and the practice of slavery.

6. Describe the causes and consequences of the Persian Wars, including the role of Athens and its cooperation with Sparta.

7. Describe the polytheistic religion of ancient Greece.

8. Identify Socrates, Plato, and Aristotle as great philosophers of ancient Greece explain how ideas can spread through writing and teaching.

9. Identify examples of ancient Greek architecture, including the Parthenon and the Acropolis.

10. Identify Alexander the Great and explain how his conquests spread Hellenistic, or Greek, culture.

Q. Describe the geographic, political, economic, and cultural structures of ancient Rome.

1. Identify and locate the geographic features of ancient Rome, including the Mediterranean Sea, Italian Alps, Rome, Italian Peninsula, and the Tiber River.

2. Explain how the geographic location of ancient Rome contributed to its political and economic growth in the Mediterranean region and beyond.

3. Describe the class system of ancient Rome, including the roles and rights of patricians, plebeians, and enslaved people in Roman society.

4. Describe the polytheistic religion of ancient Rome and its connection to ancient Greek beliefs.

5. Describe the characteristics of Julius Caesar's rule, including his role as dictator for life.

6. Explain the influence of Augustus Caesar, including the establishment of the Roman Empire and its expansion during the Pax Romana.

7. Describe how innovations in engineering and architecture contributed to Roman expansion, including the role of aqueducts, domes, arches, roads, bridges, and sanitation.

8. Describe the fall of the Western Roman Empire, including difficulty governing its large territory and political, military, and economic problems.

R. Describe the geographic, political, economic, and cultural structures of ancient China.

1. Identify and locate geographic features of ancient China, including the Gobi Desert, Plateau of Tibet, Himalayan Mountains, Yangtze River, Pacific Ocean, and the Yellow River.

2. Describe the influence of geographic features on the origins of ancient Chinese civilization in the Yellow River Valley, and explain how China's geography helped create a unique cultural identity.

3. Describe problems prevalent in the time of Confucius and explain the concepts of filial piety, or dutiful respect, and the Mandate of Heaven.

4. Explain the significance of the unification of ancient China into the first Chinese empire by Qin Shi Huangdi.

5. Describe how the size of ancient China made governing difficult and how early dynasties attempted to solve this problem, including the construction of the Grand Canal and the Great Wall.

6. Explain the major accomplishments of the Han Dynasty, including the magnetic compass, paper making, porcelain, silk, and woodblock printing.

7. Describe how the desire for Chinese goods influenced the creation of The Silk Road and began a process of cultural diffusion throughout Eurasia.

S. Describe the geographic, political, economic, and cultural structures of Indigenous civilizations of the Americas.

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

2. Describe the cultural elements among Indigenous communities in the Americas, including housing, clothing, games/entertainment, dance, and how food was gathered/caught and cooked.

3. Explain how nomadic groups of people first hunted and traveled throughout what would become Louisiana.

4. Explain how people living in what would become Louisiana gradually moved towards seasonal hunting and gathering, using new tools and practices for hunting, and building large mounds for ceremonial and practical purposes.

5. Describe key characteristics of Poverty Point culture, including art, hunting methods, dress, food, use of mounds, and resources traded there.

6. Explain the major accomplishments of the Mayans, including advancements in astronomy, mathematics and the calendar, construction of pyramids, temples, and hieroglyphic writing.

7. Describe the influence of geographic features on the origins of the Mayan civilization and explain theories related to the abandonment of their cities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1105. First Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2813 (November 2005).

§1107. Second Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2814 (November 2005).

§1109. Third Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2815 (November 2005).

§1111. Fourth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2817 (November 2005).

§1113. Fifth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2818 (November 2005).

§1115. Sixth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2820 (November 2005).

§1117. Seventh Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2821 (November 2005).

§1119. Eighth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2823 (November 2005).

§1121. Geography (Core Course: World Geography)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2825 (November 2005).

§1123. Civics (Core Course: Civics)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2827 (November 2005).

§1125. Economics (Core Course: Free Enterprise)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2828 (November 2005).

§1127. History (Core Course: U.S. History)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2830 (November 2005).

§1129. History (Core Course: World History)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2831 (November 2005).

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

§1301. Introduction

A. The fifth grade builds on what students learned about ancient and classical civilizations in grade 4. In this course, students will examine: Medieval Europe and Africa, Aztec and Incan civilizations, the Renaissance and Reformation, the Age of Exploration, and the European conquest and colonization of the Americas. Students will also examine the growth in economic interactions among civilizations as well as the exchange of ideas, beliefs, technologies, and commodities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1303. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Explain claims and evidence.
3. Compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. Demonstrate an understanding of social studies content.
2. Compare and contrast content and viewpoints.
3. Explain causes and effects.

4. Describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, deserts; cardinal and intermediate directions; latitude and longitude, climate, and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the geographic, political, economic, and cultural structures of Europe during the Middle Ages.

1. Identify and locate geographic features of Europe, including the Alps, Atlantic Ocean, North European Plain, English Channel, Ural Mountains and the Mediterranean Sea.

2. Describe the role of monasteries in the preservation of knowledge and the spread of the Catholic Church throughout Europe.

3. Explain how Charlemagne shaped and defined medieval Europe, including the creation of the Holy Roman Empire, and the establishment of Christianity as the religion of the Empire.

4. Describe the development of feudalism and manorialism and their role in the medieval European economy.

5. Describe the significance of the Magna Carta, including limiting the power of the monarch, the rule of law, and the right to trial by jury.

6. Explain how the Crusades affected Christian, Muslim, and Jewish populations in Europe.

7. Describe the economic and social effects of the spread of the Black Death, or Bubonic Plague, from Central Asia to China, the Middle East, and Europe, and its effect on the global population.

8. Describe the significance of the Hundred Years' War, including the roles of Henry V in shaping English culture and language and Joan of Arc in promoting a peaceful end to the war.

J. Describe the geographic, political, economic, and cultural structures of Southwest Asia and North Africa.

1. Identify and locate the geographic features of Southwest Asia and North Africa, including the Arabian Peninsula, the Persian Gulf, Arabian Sea, Red Sea, Black Sea, and the Caspian Sea.

2. Describe the diffusion of Islam, its culture, and the Arabic language throughout North Africa and Southwest Asia.

3. Summarize the contributions of Islamic scholars in the areas of art, medicine, science, and mathematics.

K. Describe the geographic, political, economic, and cultural structures of Medieval West African Kingdoms

1. Identify and locate the geographic features of West Africa, including the Atlantic Ocean, Niger River, Djenne, the Sahara, Gulf of Guinea, and Timbuktu.

2. Describe the growth of the kingdoms of Ghana, Mali, and Songhai, including cities such as Djenne and Timbuktu as centers of trade, culture, and learning.

3. Describe the role of the Trans-Saharan caravan trade in the changing religious and cultural characteristics of

West Africa and in the exchange of salt, gold, and enslaved people.

4. Explain the importance of the Malian king Mansa Musa and his pilgrimage to Mecca.

L. Describe the origins, accomplishments, and geographic diffusion of the Renaissance as well as the historical developments of the Protestant Reformation and Scientific Revolution.

1. Explain how the location of the Italian Peninsula affected the movement of resources, knowledge, and culture throughout Italy's independent trade cities.

2. Identify the importance of Florence, Italy and the Medici Family in the early stages of the Renaissance.

3. Explain the development of Renaissance art, including the significance of Leonardo da Vinci, Michelangelo, William Shakespeare, and systems of patronage.

4. Explain how Johannes Gutenberg's printing press affected the growth of literacy and diffusion of knowledge.

5. Explain the significant causes of the Protestant Reformation, including the selling of indulgences and Martin Luther's 95 Theses.

6. Compare and contrast heliocentric and geocentric theories of the Greeks (geocentric) and Copernicus (heliocentric).

7. Describe the geographic, political, economic, and cultural structures of Indigenous civilizations of the Americas.

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

2. Explain the effects of geographic features on Indigenous North American cultures (Northeast, Southeast, and Plains), including clothing, housing, and agriculture.

3. Describe the existence of diverse networks of Indigenous North American cultures, including varied languages, customs, and economic and political structures.

4. Explain the effects of geographic features and climate on the agricultural practices and settlement of the Aztec and Inca civilizations.

5. Explain how the Aztec built and controlled a powerful empire that covered much of what is now central Mexico.

6. Describe Aztec religious beliefs and how they were linked to the traditions of the society.

7. Describe Tenochtitlán and the surrounding landscape, including aqueducts, massive temples, and chinampa agriculture.

8. Identify Moctezuma II and describe features of his reign.

9. Explain how the Inca built and organized their empire and how Inca engineers overcame challenges presented by the geography of the land.

10. Explain how the Inca kept their empire together without a written language.

N. Analyze the motivations for the movement of people from Europe to the Americas and describe the effects of exploration by Europeans.

1. Analyze why European countries were motivated to explore the world, including religion, political rivalry, and economic gain.

2. Identify the significance of the voyages and routes of discovery of the following explorers by their sponsoring country: England: Henry Hudson; France: Jacques Cartier; Portugal: Vasco da Gama, Bartolomeu Dias; Spain: Christopher Columbus, Hernando de Soto, Ferdinand Magellan, and Amerigo Vespucci.

3. Describe Prince Henry the Navigator's influence on exploration, voyages, cartographic improvements, and tools related to exploration, including the compass, caravel, and astrolabe.

4. Describe how the Aztec and Inca empires were eventually defeated by Spanish conquistadors.

5. Explain the impact of the Columbian Exchange on people, plants, animals, technology, culture, ideas, and diseases among Europe, Africa, Asia, and the Americas in the fifteenth and sixteenth centuries, and examine the major effects on each continent.

6. Explain how Spanish colonization introduced Christianity, the mission system, and the encomienda system to the Americas as well as the transition to African slavery.

7. Describe the development of the transatlantic slave trade and the experiences of enslaved people in the Americas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 15. Grade 6 - The United States and Louisiana: Beginnings through Ratification

§1501. Introduction

A. Beginning with the exploration of colonization of North America, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course, students will examine: British and French exploration and colonization, the development of the British thirteen colonies; French and Spanish Colonial Louisiana, the American Revolution, and the development and ratification of the U.S. Constitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1503. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1580 to 1791 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1580 to 1791.

C. Compare and contrast events and developments in U.S. history from 1580 to 1791.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1580 to 1791, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographic characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. Analyze social studies content.

2. Evaluate claims, counterclaims, and evidence.

3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. Demonstrate an understanding of social studies content.

2. Compare and contrast content and viewpoints.

3. Analyze causes and effects.

4. Evaluate counterclaims.

H. Analyze European exploration and colonization of North America.

1. Explain the significance of the land claims made in North America by European powers after 1600, including England, France, the Netherlands, Portugal, Russia, Spain, and Sweden and their effects on Native Americans.

2. Compare and contrast the motivations, challenges, and achievements related to exploration and settlement of North America by the British, Dutch, French, and Spanish, including the search for wealth, freedom, and a new life.

I. Analyze the development of the settlements and colonies in the late sixteenth century through the seventeenth century.

1. Explain the importance of the founding and development of Jamestown, including representative government established through the House of Burgesses, private ownership of land, introduction of slavery, and arrival of women and families.

2. Explain the importance of the founding and development of the Plymouth settlement, including practice of self-government established by the Mayflower Compact, religious freedom, and contributions of Native Americans, including Chief Massasoit and Squanto, and the leadership of William Bradford.

3. Compare and contrast the New England, Middle, and Southern colonies, including their physical geography, religion, education, economy, and government.

4. Explain the contributions of key individuals and groups to the foundation of the colonies, including Pilgrims, Puritans, Quakers, John Smith, Roger Williams, Anne Hutchinson, William Penn, Edward Winslow, William Bradford, John Winthrop, John Rolfe, and Pocahontas.

5. Identify the locations of the colonies and lands inhabited by Native Americans, and explain how location, environment, and resources affected changes and development over time.

6. Analyze the causes, interactions, and consequences related to triangular trade, including the forced migration of Africans through the transatlantic trade of enslaved people and experiences of the Middle Passage.

7. Explain the experiences and perspectives of various people groups living in colonial North America, including large landowners, farmers, artisans, women, children, indentured servants, enslaved people, and Native Americans.

8. Analyze cooperation, competition, and conflict among groups in North America from the late 1500s to the

mid-1700s, including Dutch, English, French, Spanish, and Native Americans including the 1621 Autumn Harvest Celebration, French and Native American trade of fur, Bacon's Rebellion, and King Philip's (Metacom) War.

J. Analyze the growth and development of colonial Louisiana.

1. Explain the significance of events that influenced pre-colonial and colonial Louisiana, including the founding of Natchitoches and New Orleans, the Treaty of Fontainebleau, and the Third Treaty of San Ildefonso.

2. Describe the factors that influenced migration within and to Louisiana by various groups, including French, Spanish, Africans, Acadians, Germans, Canary Islanders/Islenos, and Haitians, and explain how individuals and groups interacted and contributed to the development of Louisiana.

3. Describe the characteristics of colonial Louisiana, including physical geography, climate, economic activities, culture and customs, and government, and analyze their importance to the growth and development of Louisiana.

4. Explain the influence of France and Spain on government in Louisiana, with an emphasis on the Napoleonic Code, the Code Noir, and the contributions of Jean-Baptiste Le Moyne de Bienville, John Law, King Louis XIV, and Alejandro O'Reilly.

5. Describe the contributions and achievements of Gens de Couleur Libres in colonial Louisiana.

6. Compare and contrast French and Spanish colonial Louisiana and colonial Louisiana and British colonies.

K. Analyze the causes, course, and consequences of the American Revolution.

1. Analyze the historical and religious factors that influence the development of government in the United States, including those from ancient Greece; the Roman Republic; the Judeo-Christian tradition; English rule of law and the Magna Carta; Enlightenment philosophies; and the Great Awakening.

2. Explain the causes and effects of the French and Indian War.

3. Analyze the role and importance of key events and developments leading to the American Revolution, including end of Salutary Neglect by King George III, French and Indian War, Proclamation of 1763, Acts of 1764–1773 (Sugar Act, Stamp Act, Quartering Act, Townshend Acts, Tea Act), Boston Massacre and the death of Crispus Attucks, Boston Tea Party, Coercive (Intolerable) Acts, First Continental Congress, Restraining Acts, the seizure of firearms, and Second Continental Congress.

4. Explain how key ideas expressed in historical works influenced the American Revolution, including "taxation without representation is tyranny" (John Otis), John Dickinson's *Letters from a Farmer in Pennsylvania*, Patrick Henry's "Give Me Liberty or Give Me Death" speech, Thomas Paine's *Common Sense*, and the Declaration of Independence ("all men are created equal," "endowed by their Creator with certain unalienable rights, . . . among these are life, liberty, and the pursuit of Happiness," and "the consent of the governed").

5. Explain efforts to mobilize support for the American Revolution by individuals and groups, including the Minutemen and Committees of Correspondence and

Sons of Liberty (Samuel Adams, John Hancock, Paul Revere).

6. Compare and contrast viewpoints of Loyalists and Patriots, and evaluate their arguments for and against independence from Britain.

7. Compare and contrast the American colonies and British in the American Revolution, including leadership, military power, recruitment, alliances, population, and resources, and evaluate their strengths and weaknesses.

8. Explain the significance and outcome of key battles and turning points during the American Revolution, including the Battles of Lexington and Concord (1775), creation of the Continental Army and appointment of George Washington as Commander in Chief (1775), Battles of Trenton and Princeton (1776–1777), Battle of Saratoga (1777), encampment at Valley Forge (1777–1778), Franco-American alliance (1778), Battle of Yorktown (1781), and the Treaty of Paris of 1783.

9. Explain the contributions of women to the American Revolution, including those of Abigail Adams, Mercy Otis-Warren, Mary Ludwig Hays, Deborah Sampson, Phillis Wheatly, and Betsy Ross.

10. Explain the role of Spain and Spanish colonial Louisiana during the American Revolution and effects of the conflict on the colony, including the roles of Bernardo de Galvez, Battle of Lake Pontchartrain (1779), and Battle of Baton Rouge (1779).

11. Explain the role of espionage during the American Revolution, including the actions of spies for the colonies (Nathan Hale, Culper Spy Ring, John Clark, Enoch Crosby, Nancy Hart, and James Armistead Lafayette) and spies for Britain (Benedict Arnold).

L. Analyze the development of the U.S. political system through the ratification of the U.S. Constitution.

1. Explain the purpose and importance of the Articles of Confederation.

2. Describe the development of various state Constitutions and the effect of early abolitionists on the development of state government, including Olaudah Equiano, Benjamin Banneker, and Elizabeth Freeman.

3. Explain the ideas and events leading to the ratification of the Constitution of the United States, including inadequacies of the Articles of Confederation and Shays Rebellion.

4. Evaluate the major issues debated at the Constitutional Convention, including the key characteristics and features of the Articles of Confederation, the division and sharing of power between the federal and state governments (federal system), the Great Compromise, and slavery (Three-Fifths Compromise).

5. Explain how the ideas of leading figures and Founding Fathers contributed to the Constitutional Convention and development of the U.S. government, including John Adams, Benjamin Franklin, Alexander Hamilton, Thomas Jefferson, James Madison, George Mason, William Patterson, Roger Sherman, George Washington, and James Wilson.

6. Explain the importance of ideas expressed in the Preamble to the Constitution of the United States, including the purpose and responsibilities of government and the concept of self-government.

6. Explain the significance of the Commerce Clause, including its role in establishing a constitutional relationship between Native Americans and the U.S. government.

7. Evaluate the arguments of Federalists and Anti-Federalists on the ratification of the Constitution expressed in the Federalist Papers and the writings of the Anti-Federalists.

8. Explain how and why the Constitution of the United States was amended to include the Bill of Rights, and analyze the guarantees of civil rights and individual liberties protected in each of the first ten amendments.

9. Analyze the key principles of government established by the Constitution of the United States, including federalism (enumerated, reserved, and concurrent powers), individual rights, judicial review, limited government, popular sovereignty and consent of the governed, rule of law, separation of powers, and a system of checks and balances.

10. Explain the structure and processes of the United States government as outlined in the Constitution of the United States, including the branches of government, how a bill becomes a law at the federal level, and the process for amending the United States Constitution.

11. Explain the structure, powers, and functions of the branches of the United States federal government (legislative, executive, and judicial), and describe the qualifications, roles, and responsibilities of elected and appointed government officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 17. Grade 7—The United States and Louisiana: The Early Republic through Reconstruction

§1701. Introduction

A. Beginning with the presidency of George Washington, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course students will examine the development of the early republic, the Louisiana Purchase, the War of 1812, westward expansion, social and political reform movements of the nineteenth century, the growth of nationalism and sectionalism, the Civil War, and the Reconstruction period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1703. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1791 to 1877 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1791 to 1877.

C. Compare and contrast events and developments in U.S. history from 1791 to 1877.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1791 to 1877, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographic characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. Analyze social studies content.

2. Evaluate claims, counterclaims, and evidence.

3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. Demonstrate an understanding of social studies content.

2. Compare and contrast content and viewpoints.

3. Analyze causes and effects.

4. Evaluate counterclaims.

H. Analyze the influence of key events, ideas, and people on the economic, political, and social development of the United States from 1791–1850s.

1. Explain the causes and events of the Whiskey Rebellion, including the response from the Washington administration and its relationship to enforcement of the government's right to tax.

2. Explain the influence of precedents set by the presidency of George Washington, and analyze the advice in and effects of his Farewell Address.

3. Analyze key events in the presidency of John Adams, including the Alien and Sedition Act and XYZ affair.

4. Explain the significance of the election of 1800.

5. Explain how the disagreements between Thomas Jefferson and Alexander Hamilton resulted in the emergence of the Federalist and Democratic-Republican political parties, including views on foreign policy, Alien and Sedition Acts, economic policy, National Bank, funding and assumption of the revolutionary debt.

6. Describe the role of the Electoral College in presidential elections, including how it aims to ensure representation of less populated states.

7. Explain how the U.S. government addressed foreign and domestic challenges during the late 1700s to the mid-1800s and how related policies and legislation influenced the development of the United States.

8. Analyze the major events of Thomas Jefferson's presidency, including the Louisiana Purchase, Lewis and Clark expeditions, Dunbar-Hunter Expedition of Ouachita River, Red River Expedition, and Twelfth Amendment.

I. Analyze the causes, course of, and consequences of the War of 1812.

1. Explain the events leading to the War of 1812, including Britain's war with Napoleonic France, impressment, and blockades, and analyze the political and economic effects on the United States.

2. Explain key events, turning points and outcomes of the War of 1812, including blockades, Battle of Lake Erie (1813), Burning of Washington (1814), Battle of New Orleans (1814), Battles of Baltimore and Lake Champlain (1814), penning of the Star Spangled Banner, and the Treaty of Ghent (1814).

3. Analyze the interests and motivations of Native American groups aligned with the United States and with Britain during the War of 1812, including Chief Tecumseh.

4. Explain the importance and effects of the Battle of New Orleans to Louisiana, and describe the roles played by General Andrew Jackson and Jean Lafitte.

5. Explain the events leading to and surrounding Louisiana statehood, including the Neutral Strip, the West Florida controversy, and the capture of the Spanish Fort at Baton Rouge, as well as key figures including Julien de Lallande Poydras.

J. Analyze the growth and development of the United States from the early to mid-1800s.

1. Describe the Era of Good Feelings (1815–1825), including Henry Clay’s American System, Treaty of 1818, Adams-Onis Treaty of 1819, and the development of transportation networks.

2. Analyze the purpose of the Monroe Doctrine (1823), with emphasis on its policies of both isolationism and protection of American interests in the Western Hemisphere, and how it influenced U.S. foreign policy and interactions with other nations.

3. Analyze the effects of *Marbury v. Madison* (1803), *McCulloch v. Maryland* (1819), *Gibbons v. Ogden* (1824), and *Worcester v. Georgia* (1832).

4. Analyze the ideas and motivations that contributed to westward expansion, including Manifest Destiny, and its political, social, and economic effects.

5. Analyze the causes and effects of Indian Removal policies of the early to mid-1800s, including the Indian Removal Act of 1830, Trail of Tears, and Seminole Wars, and explain the role of key figures, including Andrew Jackson, Chief John Ross, and Chief Osceola.

6. Analyze key events and developments that contributed to westward expansion, including the Oregon Treaty (1846), annexation of Texas (1845), Treaty of Guadalupe Hidalgo (1848), Gadsden Purchase (1853), the Pony Express (1860), Pacific Railway Act (1862), and Homestead Act (1862).

7. Explain the motivation and means of migration West, the experiences of the settlers, and resulting changes in the West, including the Gold Rush (1848–1855), trails (Oregon Trail, Mormon Trail, and Santa Fe Trail), first transcontinental telegraph, and the transcontinental railroad.

8. Describe the causes, course, and consequences of the Mexican-American War, including the Battle of the Alamo, Battle of San Jacinto, annexation of Texas, the Mexican Cession and Zachery Taylor’s role in the war and subsequent election to the presidency.

9. Explain the causes and effects of the first Industrial Revolution in the United States, including advancements in technology, increased manufacturing, changing labor conditions, growing transportation systems, and urbanization.

10. Analyze the development of the agrarian economy in the South, including Louisiana, and explain how advancements in technology, such as the cotton gin and multiple-effect evaporator for sugar, contributed to an increase in enslaved labor.

11. Explain how steamboats influence Louisiana’s economic growth and the significance of Captain Henry Miller Shreve in steamboat navigation.

12. Compare and contrast the economies of the North and the South during the early to mid-1800s.

13. Describe push and pull factors for immigration to the United States in the early to mid-1800s, and explain how migration within and to the United States affected rural and urban areas.

K. Analyze role and importance of social and political reform movements of the nineteenth century.

1. Analyze the key people, ideas, and events of the women’s rights movement and woman’s suffrage movement of the early to mid-1800s, including the Seneca Falls Convention, National Women’s Rights Conventions, Susan B. Anthony, Elizabeth Cady Stanton, Lucretia Mott, Sojourner Truth, Mary Church Terrell, and Margaret Fuller.

2. Explain the development of education and prison reform movements, including those led by Horace Mann and Dorothea Lynde Dix.

3. Explain the effects of abolition efforts by key individuals and groups, including Sojourner Truth, William Lloyd Garrison, and the Quakers.

4. Analyze the historical works and ideas of influential abolitionists, including Frederick Douglass’ speech “The Constitution of the United States: Is It Pro slavery or Anti slavery?” and Harriet Beecher Stowe’s *Uncle Tom’s Cabin*.

5. Describe the purpose, challenges, routes, and successes of the Underground Railroad and the key role played by Harriet Tubman.

6. Explain restrictions placed on the trade of enslaved people prior to the Civil War, including the Northwest Ordinance of 1787 and the Act Prohibiting Importation of Slaves of 1807.

L. Explain the ideas, key people and events related to the growth of sectionalism and rising tension prior to the Civil War.

1. Analyze major events, legislation, and court decisions from 1800 to 1861 that led to increasing sectionalism, including the Missouri Compromise of 1820, *North Carolina v. Mann* (1830), the Nullification Crisis (1831–1833), the Compromise of 1850, the Fugitive Slave Acts (1793, 1850), the Kansas-Nebraska Act (1854), and the Dred Scott decision (1857).

2. Describe the reasons for the formation of the Republican Party in 1854 and its founding platform.

3. Compare and contrast various arguments on the issue of slavery and state’s rights, including those expressed in the Lincoln-Douglas debates and during the 1860 presidential campaign.

4. Explain the causes of and reactions to rebellions and raids, including the German Coast Uprising, Nat Turner’s Rebellion, and John Brown’s Raid on Harpers Ferry and subsequent trial.

5. Analyze Lincoln’s First Inaugural Address, and explain how the ideas expressed affected the cause and course of the Civil War.

M. Analyze the causes, course, and consequences of the Civil War.

1. Explain why the Confederate states seceded from the Union.

2. Explain Louisiana’s decision to secede from the Union and its effects, including the state seizure of federal

properties in Louisiana (the United States Arsenal and Barracks at Baton Rouge; United States Branch Mint).

3. Describe the events leading to, significance of, and reaction to the Battle of Fort Sumter, including Lincoln's call for 75,000 volunteers.

4. Describe the importance and outcomes of the major military engagements of the Civil War, including Manassas, Shiloh, Capture of New Orleans, Antietam, Gettysburg, Vicksburg, Siege of Port Hudson, Sherman's March to the Sea, and the surrender at Appomattox.

5. Describe the roles and experiences of soldiers, women, enslaved people, and freed people during the Civil War.

6. Analyze the role of Louisiana in the Civil War and how the conflict affected Louisiana and its people, including the importance of its ports and the occupation of New Orleans.

7. Analyze the purpose, significance, and consequences of the Emancipation Proclamation.

8. Describe the roles and contributions of key individuals in the Civil War, including Jefferson Davis, Robert E. Lee, Thomas Stonewall Jackson, PGT Beauregard, Mary Walker, Clara Barton, Ulysses S. Grant, William Tecumseh Sherman, Robert Smalls, and the Louisiana Tigers.

9. Analyze Lincoln's Gettysburg Address and Second Inaugural Address, and explain how the ideas expressed affected the course of the war and show how ideas about equality changed over time.

10. Describe the significance of Lincoln's assassination, and how it affected the nation.

N. Analyze the major events, key people, and effects of Reconstruction.

1. Compare and contrast plans for Reconstruction, including Lincoln's Ten Percent Plan, President Johnson's Plan, and the Radical Republican Plan for Reconstruction.

2. Analyze the development and effects of tenant farming and the sharecropping system in the postwar South.

3. Explain how federal action affected the expansion of individual rights and freedoms during the Reconstruction era, including through the Thirteenth Amendment, Freedmen's Bureau, Civil Rights Bill of 1866, Reconstruction Act of 1867, Fourteenth Amendment, Fifteenth Amendment, and analyze the challenges, achievements, and effectiveness of each.

4. Explain the rise of violence and intimidation of Black Americans by groups, including the Ku Klux Klan, White League and Red Shirts and describe the significance of the Opelousas and Colfax Massacres.

5. Describe the role and motivations of carpetbaggers and scalawags during Reconstruction.

6. Explain the roles of Black politicians in Southern states during Reconstruction, including Oscar Dunn and P.B.S. Pinchback.

7. Explain how the presidential election of 1876 and the Compromise of 1877 led to the end of Reconstruction, and analyze short-term effects of the collapse of Reconstruction, including the decline of Black Americans in elected offices and loss of enforcement of the Fourteenth and Fifteenth Amendments.

8. Analyze how Black Codes affected the lives of Black Americans, including the restriction rights to own and

lease property, conduct business, bear arms, and move freely through public spaces.

9. Analyze how national events and amendments to the U.S. Constitution influenced Louisiana from the 1860s to 1877, including changes to the Louisiana Constitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 19. Grade 8—The United States and Louisiana: Industrial Age through the Modern Era

§1901. Introduction

A. Beginning with the Second Industrial Revolution, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course students will examine: the rise of the United States as an industrial and world power, World War I, the Great Depression, Huey P. Long, The Great Flood of 1927, World War II, the Cold War, the Civil Rights movement, and the modern era.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1903. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1877 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1877 to 2008.

C. Compare and contrast events and developments in U.S. history from 1877 to 2008.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1877 to 2008, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude, and longitude) and describe geographic characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. Analyze social studies content.

2. Evaluate claims, counterclaims, and evidence.

3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. Demonstrate an understanding of social studies content.

2. Compare and contrast content and viewpoints.

3. Analyze causes and effects.

4. Evaluate counterclaims.

H. Analyze the causes and effects of technological and industrial advances during the late nineteenth century and the early 20th century.

1. Analyze factors that contributed to and effects of the growth of the industrial economy, including capitalism

and the growth of free markets, mass production, agricultural advancements, the government's laissez-faire economic policy, and the rise of corporations.

2. Explain the social and economic effects of innovations in technology, transportation, and communication during the late 1800s and early 1900s, including the expansion of railroads, electricity, and telephone.

3. Explain how industrialists and corporations revolutionized business and influenced the U.S. economy and society, with an emphasis on business practices (vertical and horizontal integration, formation of monopolies/trusts), development of major industries (oil, steel, railroad, banking), and the role of entrepreneurs, including Andrew Carnegie, J.P. Morgan, John D. Rockefeller, Cornelius Vanderbilt, and Madam C.J. Walker.

I. Analyze the social, political, and economic changes that developed in the United States during the late nineteenth and early twentieth century.

1. Explain how industrialization influenced the movement of people from rural to urban areas and the effects of urbanization.

2. Explain the causes and effects of immigration to the United States during the late 1800s and early 1900s, and compare and contrast experiences of immigrants.

3. Describe the working conditions and struggles experienced by the labor force that led to the labor movement (child labor, hours, safety, wages, standard of living), and evaluate the effectiveness of efforts to improve conditions.

4. Describe the reasons for and effects of the rise of Populism in the United States and Louisiana during the late 1800s, including the role of the Grange, Farmers' Alliance, and Peoples Party.

5. Analyze the causes and outcomes of the Progressive movement and the role of muckrakers, including the Meat Inspection Act, Pure Food and Drug Act, Seventeenth Amendment, Thomas Nast, Ida Tarbell, Upton Sinclair, and Jacob Riis.

6. Analyze the government's response to the rise of trusts and monopolies, including the passage of the Interstate Commerce Act of 1887, the Sherman Antitrust Act of 1890, and the Clayton Antitrust Act of 1914.

7. Describe important ideas and events of presidential administrations during the late 1800s and early 1900s, with emphasis on Theodore Roosevelt's administration and his support for trust busting, regulation, consumer protection laws, and conservation.

8. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

9. Analyze the events leading to *Plessy v. Ferguson* (1896) and the consequences of the decision, including changes to the Louisiana Constitution.

10. Explain the emergence of the Jim Crow system and how it affected Black Americans.

11. Explain the goals and strategies used by the African American civil rights leaders of the late 1800s and early 1900s, and analyze differing viewpoints of key figures and groups, including W.E.B. DuBois and the Niagara

Movement, Booker T. Washington, NAACP, Mary Church Terrell, and Ida B. Wells.

J. Analyze ideas and events related to the expansion of the United States during the late nineteenth century and early twentieth century.

1. Explain the motivations for migration to and settlement of the West by various groups, including Exodusters, and how their motivations relate to the American Dream.

2. Analyze Frederick Turner's "The Significance of the Frontier in American History,"

3. Analyze how lives of Native Americans changed as a result of westward expansion and U.S. policies, including extermination of the buffalo, reservation system, Dawes Act, and assimilation.

4. Analyze the causes and effects of conflict between Native Americans and the U.S. government and settlers during the late nineteenth century and early 20th century, including the Battle of Little Bighorn and Wounded Knee and subsequent treaties.

5. Analyze the events leading to and effects of the U.S. acquisition of Hawaii.

6. Analyze the ideas and events leading to the Spanish-American War and the short- and long-term outcomes, including the terms of the Treaty of Paris (1898), U.S. acquisition of Spanish territories, and emergence of the United States as a world power.

7. Analyze foreign policy achievements of Theodore Roosevelt, including the construction of the Panama Canal and use of the Great White Fleet.

K. Analyze the causes, course and consequences of World War I.

1. Describe the causes of World War I, including militarism, alliances, imperialism, nationalism, and the assassination of Archduke Franz Ferdinand.

2. Explain the reasons for the initial U.S. policy of neutrality and isolationism.

3. Analyze the events leading to U.S. involvement in World War I, including German submarine warfare, the sinking of the *Lusitania* and the Zimmerman Telegram.

4. Analyze how the United States mobilized for war and ways the American people contributed to the war effort on the home front and abroad, with an emphasis on military service, role of women and minority groups, liberty bonds, and victory gardens.

5. Explain how the U.S. government directed public support and responded to dissent during World War I, including through the use of wartime propaganda, Committee on Public Information, Espionage Act, Sedition Act, and *Schenck v. United States* (1919).

6. Explain how military strategies and advances in technology affected warfare and the course of World War I, including trench warfare, airplanes, machine guns, poison gas, submarines, and tanks.

7. Describe the goals of leaders at the Paris Peace Conference, comparing Woodrow Wilson's Fourteen Points, and the Treaty of Versailles.

8. Explain the reaction of the U.S. Congress to the Treaty of Versailles and League of Nations, and describe the return to isolationism after the war.

L. Analyze the political, social, cultural and economic effects of events and developments during the early 20th century.

1. Differentiate between the benefits and detriments of capitalism and communism, and explain how the concepts affected society during the early 1900s, including the Bolshevik Revolution and the first Red Scare.

2. Describe the causes and consequences of Prohibition and the Eighteenth Amendment, including bootlegging and organized crime, and the later repeal with the Twenty-First Amendment.

3. Explain how advances in transportation, technology, and media during the early 20th century changed society and culture in the United States, including the automobile, radio, and household appliances.

4. Explain the importance of the woman's suffrage movement and events leading to the passage of the Nineteenth Amendment, including the role of key figures such as Susan B. Anthony, Lucy Burns, Carrie Chapman Catt, Alice Paul, Elizabeth Cady Stanton, Lucy Stone, and Ida B. Wells.

5. Explain the causes and effects of social and cultural changes of the 1920s and 1930s on the United States, and describe the influence of notable figures of the Harlem Renaissance (Louis Armstrong, Duke Ellington, Ella Fitzgerald, Langston Hughes, Zora Neale Hurston, Sargent Claude Johnson, Augusta Savage) and cultural figures (Amelia Earhart, Ernest Hemingway, Jacob Lawrence, Jesse Owens, and Babe Ruth).

6. Explain how various factors affected Louisiana's economy during the early twentieth century, including booms in the timber, oil, and gas industries.

7. Describe the causes of the Great Mississippi River Flood of 1927, and explain how the disaster and government response affected Louisianans.

8. Analyze Louisiana politics in the early 20th century, including the role of Huey Long's career in both Louisiana and national politics.

9. Explain the causes and effects of migration and population shifts in the United States during the early 20th century, including the Great Migration.

10. Analyze factors leading to and consequences of social and economic tensions in the early 20th century, including the 1918 influenza outbreak, recession and inflation, labor strikes, resurgence of the Ku Klux Klan, Chicago riot of 1919, and the Tulsa Massacre.

M. Analyze the causes and effects of the Great Depression.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Explain the effects of the Great Depression on people, including rising unemployment, foreclosures, growth of "Hooverilles," and soup kitchens.

3. Describe the causes and effects of the Dust Bowl, including agricultural practices, drought, and migration.

4. Describe the government response to the Great Depression, comparing the reaction of the Hoover and Roosevelt administrations.

5. Analyze the purpose and effectiveness of the New Deal, including the Civilian Conservation Corps (CCC), Tennessee Valley Authority (TVA), Agricultural Adjustment Act, National Recovery Administration, Public Works Administration, Glass-Steagall Act, Federal Deposit Insurance Corporation (FDIC), Securities Exchange Act (SEC), National Housing Act, Works Progress Administration (WPA), and the Social Security Act (SSA).

N. Describe the causes, course, and consequences of World War II.

1. Explain the rise and spread of militarism and totalitarianism internationally, examining the similarities and differences between the ideologies of Imperial Japan, fascist Italy and Nazi Germany, and the communist Soviet Union, as well as the origins and effects of violence and mass murder in the 1930s and 1940s as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and treatment of political opponents and prisoners of war during World War II.

2. Describe the acts of aggression leading to World War II in both Europe and Asia, and explain the effectiveness of policies and reactions, including the policy of appeasement towards Nazi Germany.

3. Describe the causes of World War II, and analyze events that led to U.S. involvement in World War II, with emphasis on the attack on Pearl Harbor.

4. Describe the role of alliances during World War II, including the Allies and Axis Powers.

5. Explain the significance of major military actions and turning points during World War II in the Atlantic Theater (Battle of The Atlantic, Operation Torch, Battle of Normandy/Operation Overlord, Battle of The Bulge, Battle of Berlin) and the Pacific Theater (Battle of Bataan and Bataan Death March, Doolittle Raid, Battle of the Coral Sea, Battle of Midway, Battle of Leyte Gulf, Battle of Iwo Jima, Battle of Okinawa).

6. Describe the roles and importance of key figures of World War II, including leaders from the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, George Patton, Douglas MacArthur), Great Britain (Sir Winston Churchill), France (Charles de Gaulle), the Soviet Union (Joseph Stalin), Germany (Adolf Hitler), Italy (Benito Mussolini), and Japan (Michinomiya Hirohito, Hideki Tojo).

7. Explain the causes and consequences of the Holocaust, including anti-Semitism, Nuremberg Laws restricting civil rights, resistance efforts, concentration camp system, liberation of camps by the Allies, and Nuremberg trials.

8. Describe the Tuskegee Study conducted on Black Americans from the 1930s to 1972.

9. Explain the causes and effects of Japanese internment in the United States during World War II.

10. Explain the sacrifices and contributions of U.S. soldiers during World War II such as the Tuskegee Airmen, the 442nd Regimental Combat team, the 101st Airborne, Cajun "Frenchies", the Women's Army Corps (WAC), and the Navajo Code Talkers.

11. Analyze how Louisiana contributed to the war effort during World War II and the effects of the war on Louisiana, including the role of the Louisiana Maneuvers,

Higgins Boats in the success of the Allies, and prisoner of war (POW) camps in Louisiana.

12. Explain how life in the United States changed during and immediately after World War II, with an emphasis on wartime production and the workforce, rationing, conservation, victory gardens, financing through war bonds, propaganda campaigns, and the Servicemen's Readjustment Act (GI Bill).

13. Explain the events that led to, and the conditions of the surrender of the Axis Powers in Europe and Asia, and describe the United States' critical role in the Allied victory.

14. Describe the importance of the Manhattan Project and development of atomic bombs, and analyze the decision to use them.

15. Explain how key decisions from Allied conferences during World War II, including the Atlantic Charter, Tehran, Yalta, and Potsdam, affected the course of the war and postwar world.

O. 8.15 Analyze causes, major events, and key leaders of the Civil Rights Movement from 1954 to 1968.

1. Analyze events during and immediately after World War II leading to the civil rights movement, including Executive Order 8022 and Executive Order 9981.

2. Explain the origins and goals of the civil rights movement of the 1950s and 1960s, and how segregation (*de jure* and *de facto*) affected African Americans and influenced the movement.

3. Analyze how the murder of Emmett Till affected support for the civil rights movement.

4. Analyze the importance of the *Brown v. Board of Education* (1954) decision and subsequent efforts to desegregate schools, including those of the Little Rock Nine at Central High School in Arkansas, Ruby Bridges at William Frantz Elementary in Louisiana, and James Meredith at the University of Mississippi.

5. Analyze the cause, course, and outcome of efforts to desegregate transportation, including the Baton Rouge Bus Boycott, Montgomery Bus Boycott, and Freedom Rides.

6. Evaluate the effectiveness of methods (civil disobedience, boycotts, sit-ins, marches, drives) during the civil rights movement, including during the 1960 Greensboro sit-ins, 1963 demonstrations in Birmingham, 1963 March on Washington, 1964 Freedom Summer, and 1965 Selma Marches.

7. Analyze works of civil rights leaders, including Dr. King's "Letter from Birmingham Jail" and his "I Have a Dream" speech, and explain how the ideas expressed in the works influenced the course of the civil rights movement.

8. Explain the role and importance of key individuals and groups of the civil rights movement, including the Congress of Racial Equality (CORE), Dr. Martin Luther King Jr, Rosa Parks, the Southern Christian Leadership Conference (SCLC), the Student Nonviolent Coordinating Committee (SNCC), Medgar Evers, Shirley Chisholm, Fannie Lou Hamer, and Malcolm X.

9. Explain reactions to the civil rights movement by opposing individuals and groups, including George Wallace and Leander Perez.

10. Analyze the role of the Supreme Court in advancing civil rights and freedoms during the 1950s and 1960s, including the court cases of *Brown v. Board of*

Education (1954), *Boynton v. Virginia* (1960), and *Bailey v. Patterson* (1962).

11. Evaluate legislation and amendments passed in response to the civil rights movement, including the Twenty-Fourth Amendment, Civil Rights Act of 1964, Voting Rights Act of 1965, and Civil Rights Act of 1968.

P. Explain the causes, course, and consequences of the Cold War.

1. Explain how the ideologies of communism in the Soviet Union and capitalism in the United States influenced the Cold War and global tensions from 1945–1989.

2. Evaluate the effectiveness of U.S. policies, programs, and negotiation efforts in accomplishing their intended goals, including the Marshall Plan, containment and related doctrines, mutual assured destruction, *détente*, Strategic Arms Limitation Talks (SALT I and II), and Strategic Defense Initiative (Star Wars program).

3. Analyze Cold War crises and conflicts and how they contributed escalating tensions, including the Berlin Blockade and Airlift, Korean War, Suez Crisis, U-2 Incident, Cuban Missile Crisis, Bay of Pigs Invasion, Berlin Crisis of 1961, and Vietnam War, Soviet-Afghan War.

4. Describe the role of organizations and alliances during the Cold War, including the United Nations, NATO, and the Warsaw Pact.

5. Explain how events during the Cold War affected American society, including the Second Red Scare and McCarthyism.

6. Explain how advances in technology and media during the mid- to late twentieth century changed society and public perception, including newspapers and television, the space race, and the nuclear arms race.

7. Explain events and policies leading to the end of the Cold War and collapse of the Soviet Union under the leadership of President Reagan, including political and economic pressures, policies of *glasnost* and *perestroika*, and the fall of the Berlin Wall.

Q. Describe the importance of key ideas, events, and developments of the modern era.

1. Explain how events and developments of the modern era have affected American society.

2. Explain how relationships between the United States and Middle East affected events and developments during the modern era, including Persian Gulf Wars, 1993 World Trade Center bombing, terrorist attacks on September 11, 2001, the War on Terrorism, and the establishment of the Department of Homeland Security.

3. Describe the effects of natural disasters on Louisiana and the United States, including hurricanes Katrina and Rita.

4. Describe important issues of the 2008 presidential election and the significance of the election of Barack Obama.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 21. High School—Civics

§2101. Introduction

A. In the high school civics course, students broaden and deepen their understanding of the origin, structure, and functions of government. This course is designed to provide

students with both the practical knowledge about how the American system of government functions on local, state and national levels, as well as an understanding of the philosophical and intellectual underpinnings of our constitutional republic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2103. Standards

A. Evaluate continuity and change in U.S. government, politics, and civic issues throughout U.S. history, including those related to the powers of government, interpretations of founding documents, voting trends, citizenship, civil liberties, and civil rights.

B. Analyze causes and effects of events and developments in U.S. history, including those that influenced laws, processes, and civic participation.

C. Compare and contrast events and developments in U.S. history and government.

D. Explain connections between ideas, events, and developments related to U.S. history and government, and analyze recurring patterns, trends, and themes.

E. Use geographic representations, demographic data, and geospatial representations to analyze civic issues and government processes.

F. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Evaluate claims, counterclaims, and evidence.
3. Compare and contrast multiple sources and accounts.
4. Explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

I. Analyze factors that influenced the Founding Fathers and the formation and development of the government of the United States.

1. Describe the purpose of government and competing ideas about the role of government in a society.

2. Compare different systems and structures of government, including constitutional republic and autocracy, direct democracy and representative democracy, presidential system and parliamentary system, unicameral and bicameral legislatures, and unitary, federal, and confederate systems.

3. Explain historical and philosophical factors that influenced the government of the United States, including Enlightenment philosophers such as Thomas Hobbes, John Locke, Charles de Montesquieu, Jean-Jacques Rousseau, as well as the Great Awakening.

4. Analyze the foundational documents and ideas of the United States government and its formation, including Magna Carta, the Mayflower Compact, Enlightenment philosophies, English Bill of Rights, Declaration of Independence, the Articles of the Confederation, the Constitution of the United States of America, and the

Federalist papers, and their role and importance in the origin and development of the nation.

5. Analyze the issues related to various debates, compromises, and plans surrounding the drafting and ratification of the 1789 Constitution of the United States.

6. Explain how the concept of natural rights that precede politics or government influenced the foundation and development of the United States.

7. Evaluate the fundamental principles and concepts of the U.S. government including Creator-endowed unalienable rights of the people, due process, equal justice under the law, equal protection, federalism, frequent and free elections in a representative government, individual responsibility; individual rights, limited government, private property rights, popular sovereignty, right to privacy, rule of law, the supremacy clause, and the separation of powers with checks and balances.

J. Analyze the structure, roles, responsibilities, powers, and functions of governments in the United States.

1. Compare and contrast the powers and responsibilities of local, state, tribal, (including Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, and the Tunica –Biloxi Indian Tribe), and federal governments, and explain how each is financed, how they interact with each other, and how citizens interact with and within each of them.

2. Explain the structure and processes of the U.S. government as outlined in the U.S. Constitution, including the branches of government; federalism; how a bill becomes a law at the federal level; and the process for amending the U.S. Constitution.

3. Analyze the structure, powers, and functions of the legislative branch of the U.S. federal government, including rules of operations of Congress; checks on the other branches of government; powers of the legislative branch such as those to make laws, declare war, tax and spend; and duties of representatives, senators, leadership (Speaker of the House, the Senate President Pro Tempore, majority and minority leaders, party whips), committees, and commissions.

4. Analyze the structure, powers, and functions of the executive branch of the U.S. federal government, including checks on other branches of government; powers of the executive branch such as those to carry out and enforce laws, issue executive orders, and conduct diplomacy with other nations; duties of the president, vice president, and Cabinet; presidential nominations, appointments, and confirmations; and the concept of the “bully pulpit.”

5. Analyze the structure, powers, and functions of the judicial branch of the U.S. federal government, including checks on the other branches of government; powers of the judicial branch such as those to interpret laws and decide the constitutionality of laws; nomination and appointment process of federal judges, origin of judicial review; and significance of *stare decisis*.

6. Evaluate the reasoning for Supreme Court decisions and their political, social, and economic effects, including *Marbury v. Madison* (1803); *McCulloch v. Maryland* (1819); *Gibbons v. Ogden* (1824); *Cherokee Nation v. Georgia* (1831); *Dred Scott v. Sandford* (1857); *Plessy v. Ferguson* (1896); *Schenck v. United States* (1919); *Korematsu v. United States* (1944); *Brown v. Board of Education* (1954);

Baker v. Carr (1962); Engel v. Vitale (1962); Gideon v. Wainwright (1963); Miranda v. Arizona (1966); Loving v. Virginia (1967); Tinker v. Des Moines (1969); New York Times Co. v. United States (1971); Wisconsin v. Yoder (1972); Roe v. Wade (1973); United States v. Nixon (1974); Shaw v. Reno (1993); United States v. Lopez (1995); Bush v. Gore (2000); McDonald v. Chicago (2010); Citizens United v. Federal Election Commission (2010).

7. Analyze how the Constitution has been interpreted and applied over time by the legislative, executive, and judicial branches, including loose and strict constructionist interpretations.

8. Analyze how federal, state, and local governments generate and allocate revenues to carry out the functions of government.

9. Analyze continuity and change in the Louisiana State Constitution over time, and compare and contrast the Louisiana State Constitutions and the U.S. Constitution.

10. Explain the historical connections between Civil Law, the Napoleonic Code, and Louisiana's system of laws.

K. Evaluate how civil rights and civil liberties in the United States have developed and been protected by the U.S. government over time.

1. Explain how the U.S. Constitution protects individual liberties and rights.

2. Analyze the rights enumerated in the Bill of Rights and their application to historical and current issues.

3. Evaluate restrictions and expansions of civil liberties and civil rights in the United States and the role of the legislative, executive, and judicial branches of the government in related events and developments over time, including the Thirteenth, Fourteenth, and Fifteenth Amendments; Plessy v. Ferguson (1896); the Espionage and Sedition Acts; Schenck v. United States (1919); the Nineteenth Amendment; Executive Order 9066; Executive Order 10730; Brown v. Board of Education (1954); the Civil Rights Act of 1964; the Voting Rights Act of 1965; the Twenty-Fourth Amendment; and Twenty-Sixth Amendment.

4. Describe equal protection and due process as defined by the U.S. Constitution, and explain how states subverted equal protection during the Jim Crow era.

L. Analyze political processes and the role of public participation in the United States.

1. Analyze the duties and responsibilities of citizens in the United States, including paying taxes, serving on a jury, obeying the law, voting, and running for elected office.

2. Describe U.S. citizenship requirements and the naturalization process in the United States.

3. Explain historical and contemporary roles of political parties, special interest groups, lobbies/lobbyists, and associations in U.S. politics.

4. Explain rules governing campaign finance and spending and their effects on the outcomes of local, state, and federal elections.

5. Explain election processes at the local, state, and federal levels, including qualifications and procedures for voting; qualifications and terms for offices; the primary system; public hearings and forums; petition, initiative, referendum, and recall; and amendments related to elections and voting.

6. Evaluate the purpose, structure, and function of the Electoral College, including how it aims to ensure representation for less populated states.

7. Analyze issues and challenges of the election process, including gerrymandering; at-large voting; voter turnout; and voter access policies.

8. Evaluate how the media affects politics and public opinion, including how public officials use the media to communicate with the people.

9. Evaluate the advantages and disadvantages of technologies in politics and government and how they affect media, civic discourse, and the credibility of sources.

10. Evaluate the processes for drawing Louisiana's congressional districts and their effect on statewide and national elections.

11. Describe local and parish governments in Louisiana, including police juries and home rule charters.

M. Analyze the issues of foreign and domestic policy of the United States.

1. Distinguish between foreign and domestic policies, and analyze major U.S. foreign and domestic policies, including those in education; health care; immigration; naturalization; regulation of business and industry; foreign aid; and intervention abroad.

2. Analyze the development, implementation, and consequences of U.S. foreign and domestic policies over time, including how U.S. policies are influenced by other countries and how they influence political debates.

3. Analyze interactions between the United States and other nations over time and effects of those interactions.

4. Explain the origins and purpose of international organizations and agreements, including the United Nations, NATO, and NAFTA; and analyze how the United States and member nations work to cooperate politically and economically.

5. Describe the development of and challenges to international law after World War II and the Holocaust.

N. Explain elements of the United States economy within a global context and economic principles required to make sound financial decisions.

1. Explain ideas presented in Adam Smith's "The Wealth of Nations," including his ideas about free markets and the "invisible hand."

2. Compare and contrast capitalism and socialism as economic systems.

3. Describe different perspectives on the role of government regulation in the economy.

4. Analyze the role of government institutions in developing and implementing economic policies, and explain the effects of government policies on market outcomes, including both intended and unintended consequences.

5. Explain the factors that influence the production and distribution of goods by individuals and businesses operating in a market system, including monopolistic competition, perfect competition, monopoly, and oligopoly; credit; currencies; economic indicators; factors of production (land, labor, capital, entrepreneurship); goods and services; price; roles of consumers and producers; rule of law; and supply and demand.

6. Explain ways in which competition, free enterprise, and government regulation influence what is produced and allocated in an economy, including national and global consequences.

7. Explain the effects of specialization and trade on the production, distribution, and consumption of goods and services for individuals, businesses, and societies.

O. Apply economic principles to make sound personal financial decisions, including in regards to income, money management, spending and credit, and savings and investing.

1. Explain the relationship between education, training, and career options to future earning potential.

2. Apply given financial data to real life situations such as balancing a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud.

3. Explain the benefits and risks of using credit and examine the various uses.

4. Compare types of credit, savings, investment, and insurance services available to the consumer from various institutions.

5. Create a budget and explain its importance in achieving personal financial goals and avoiding negative financial consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 23. High School—United States History

§2301. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the United States, surveying the major events and turning points of U.S. history as it moves from the Declaration of Independence through modern times. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped U.S. history.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2303. Standards

A. Analyze ideas and events in the history of the United States of America from 1776 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1776 to 2008.

C. Compare and contrast events and developments in U.S. history from 1776 to 2008.

D. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

E. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Evaluate claims, counterclaims, and evidence.
3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

F. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects;

4. evaluate counterclaims.

G. Analyze the development of the United States from the American Revolution through the ratification of the U.S. Constitution and Early Republic.

1. Explain the historical context of and the events leading to the signing of the Declaration of Independence including the Boston Massacre, Boston Tea Party, Patrick Henry's "Give Me Liberty or Give Me Death" speech, the battles at Lexington and Concord and Bunker Hill, and the Second Continental Congress, failed Olive Branch Petition, and Thomas Paine's *Common Sense*.

2. Explain the key reasons for the patriots' improbable victory and analyze major battles of the American Revolution, including the Battle of Trenton, the Battle of Saratoga, and Yorktown.

3. Analyze the Declaration of Independence, and evaluate how the ideas expressed reflected the values and principles of the founders' and influenced development of the United States, with an emphasis on "inalienable rights" as inherent in all people by virtue of their being human meaning that they cannot be surrendered to the government; the rights to "life, liberty, and the pursuit of happiness" being the freedom to live, to protect rights, and to seek happiness as long as it does not violate the rights of others; and the concept of "consent of the governed" and how this differed from rule under a monarch.

4. Explain how America's founding, based on the words of the Declaration of Independence and the U.S. Constitution were unprecedented in human history.

5. Explain the inadequacies of the Articles of Confederation.

6. Analyze the purposes of the Preamble of the Constitution.

7. Evaluate how the U.S. Constitution and Bill of Rights seek to prevent tyranny and protect individual liberty and freedom, including through representation, limited government, separation of powers, and checks and balances.

8. Analyze major events and developments of U.S. presidents of the late 1700s to the early 1800s, including the presidencies of George Washington (foreign and domestic policies, Farewell Address), John Adams (Alien and Sedition Act), Thomas Jefferson (role in the Louisiana Purchase), and Andrew Jackson (Bank War).

9. Analyze how Alexis de Tocqueville's five values are crucial to America's success as a constitutional republic (liberty, egalitarianism, individualism, populism, laissez-faire).

10. Explain and evaluate the concept of American exceptionalism.

H. Analyze key events associated with Westward Expansion during the early to mid-1800s.

1. Explain the Louisiana Purchase and evaluate its effects on the United States.

2. Analyze the causes and effects of the Indian Removal Act and describe the role of key people involved in Indian removal and the Trail of Tears including Andrew Jackson and John Ross.

3. Analyze the causes and effects of the Mexican-American War.

4. Explain the concept of Manifest Destiny and evaluate its effect on Westward Expansion.

I. Analyze the development and abolition of slavery in the United States.

1. Describe the origins of the transatlantic slave trade, Middle passage, and early spread of slavery in the Americas.

2. Describe the experiences of enslaved people on the Middle Passage, at slave auctions, and on plantations.

3. Describe the significance of invention of the cotton gin and its effects on slavery and economy.

4. Explain how slavery contributed to U.S. industrial and economic growth.

5. Explain the effects of abolition efforts by key individuals including Sojourner Truth, William Lloyd Garrison, Frederick Douglass, and Harriet Beecher Stowe.

6. Explain how slavery is the antithesis of freedom.

7. Analyze the causes and effects of the Missouri Compromise, the Compromise of 1850, and the Kansas Nebraska-Act.

8. Explain the outcome of the *Dred Scott v. Sandford* (1857) decision, including it later being called a “self-inflicted wound.”

9. Describe the purpose of the Emancipation Proclamation and its effects.

10. Evaluate the significance and extension of citizenship rights to Black Americans included in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

J. Analyze the causes, course, and consequences of the Civil War and Reconstruction.

1. Analyze the life of Abraham Lincoln including his debates with Stephen Douglas, the meaning of his “House Divided” speech, presidency and views on the Union, first and second inaugural addresses, the Emancipation Proclamation, the Gettysburg Address, particularly the origin and meaning of “last full measure of devotion,” and his assassination.

2. Explain major and minor causes of the Civil War, especially the political tension surrounding the spread of slavery.

3. Analyze major battles of the Civil War, including Antietam, Gettysburg, Shiloh, Vicksburg, and the capture of New Orleans.

4. Compare and contrast resources of the Union and Confederate States and reasons attributed to the Union winning the Civil War.

5. Explain the social, political and economic changes that resulted from Reconstruction including Jim Crow laws, the role of carpetbaggers, scalawags, Radical Republicans, the Freedmen’s Bureau, sharecropping, the creation of Black Codes, and the emergence of the Ku Klux Klan and the rise of violence and intimidation of Black Americans.

K. Describe the economic and social development of the United States in the late nineteenth and early twentieth century and its emergence as a major world power.

1. Describe how the physical geography of the United States affected industrial growth and trade.

2. Explain the economic principles and practices that corresponded with America’s industrial and economic growth after the Civil War including free markets, capitalism, mass production, division of labor, and monopolies.

3. Explain push and pull factors for people who immigrated to America in the late nineteenth and early twentieth century and analyze the immigrant experience, including assimilation, challenges, and contributions.

4. Analyze the challenges that accompanied industrialization, including pollution, poor working conditions, child labor, and food safety, as well as proposed solutions of the Progressive Era.

5. Analyze the Monroe Doctrine, the Roosevelt Corollary, and the development of U.S. foreign policy in the late nineteenth century and early twentieth century including the Spanish-American War, the acquisition of Hawaii and Alaska, construction of the Panama Canal, and the U.S. expedition to capture Pancho Villa.

6. Analyze the life of Theodore Roosevelt, including his life in the West, the Rough Riders, his “Big Stick” diplomacy, presidency, and conservation efforts.

7. Describe engagements between the U.S. government forces and Native Americans in the West following the Civil War, including the Battle of Little Bighorn and Wounded Knee, and the effects of the Dawes Act on Native Americans.

8. Analyze the life of Booker T. Washington, including his enslavement and emancipation, the Tuskegee Institute, and his Atlanta Exposition Speech.

9. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

10. Compare and contrast the philosophies of Booker T. Washington, W. E. B. DuBois, and Marcus Garvey.

11. Explain Elizabeth Cady Stanton’s reasons for writing the Declaration of Sentiments.

12. Analyze the life of Susan B. Anthony, including her time teaching, work for abolition, work for temperance, and work for suffrage.

13. Analyze ways in which the Suffrage Movement led to passage of the Nineteenth Amendment.

L. Analyze the causes, course, and consequences of World War I.

1. Describe the causes of World War I.

2. Explain the events leading to and reasons for U.S. involvement in World War I.

3. Describe the effects of major military events, the role of key people, and the experiences of service members.

4. Analyze the suppression of dissent during World War I.

5. Explain why the Allied Powers won World War I.

6. Compare and contrast Wilson's Fourteen Points and the Treaty of Versailles.

M. Analyze the political, social, cultural and economic effects of events and developments after World War I and during the 1920s.

1. Explain the origins, main ideas, contributors, and effects of the Harlem Renaissance.

2. Describe changes in the social and economic status of women.

3. Analyze how life in the United States changed as a result of technological advancements, including automobile, airplane, and radio.

4. Analyze the causes and events of the First Red Scare including the Bolshevik Revolution, anarchist bombings, the Immigration Act of 1918, and the Palmer Raids.

5. Analyze the rise in labor unions in the late 19th century and early 20th century including the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the Industrial Workers of the World (IWW), and the The Brotherhood of Sleeping Car Porters.

6. Analyze the effects of changes in immigration to the United States and migration within the United States as a result of the Immigration Act of 1924 and the Great Migration.

7. Describe Prohibition in the United States and its consequences, including the development of organized crime.

8. Describe the effects of racial and ethnic tensions, including the Chicago riot of 1919, Tulsa Massacre, and re-emergence of the Ku Klux Klan.

N. Describe the effects of the Great Depression and New Deal policies on the United States.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Describe the effects of the Great Depression.

3. Analyze the government response to the Great Depression, including actions taken by the Federal Reserve, Congress, and the administrations of Herbert Hoover and Franklin D. Roosevelt.

4. Describe the causes and effects of the Dust Bowl, including natural disasters and unwise agricultural practices, and how it exacerbated the Great Depression.

5. Analyze the purpose and effectiveness of the New Deal in managing problems of the Great Depression through relief, recovery, and reform programs, including the Tennessee Valley Authority (TVA), Works Progress Administration (WPA), the Civilian Conservation Corps (CCC), and the Social Security Act (SSA).

6. Compare and contrast economic beliefs of Adam Smith, Karl Marx, John Maynard Keynes, and Milton Friedman and analyze their influence on the economy of the United States.

O. Explain the causes, course, and consequences of World War II.

1. Explain the similarities and differences between totalitarianism and militarism in Imperial Japan, communism

in the Soviet Union, fascism in Mussolini's Italy and Nazi Germany, and identify the major powers of the Allies and the Axis powers.

2. Explain efforts made by the U.S. government to prepare for war prior to entry including Cash and Carry and Lend Lease policies, military maneuvers at Barksdale Air Force Base, and the Louisiana Maneuvers in September 1941.

3. Explain why Japan attacked Pearl Harbor and the response of the United States.

4. Describe the sacrifices and contributions of American service members in the war effort including the Tuskegee Airmen, Military Intelligence Service, 442nd Regimental Combat team, the 101st Airborne, Women's Army Corps (WAC), Navajo Code Talkers, and the Army Signal Corps.

5. Explain the causes and effects of the internment of Japanese Americans in the United States during World War II, as well as the decision in *Korematsu v. United States* (1944) and The Civil Liberties Act of 1988.

6. Explain how the U.S. government managed the war effort on the home front, including campaigns to conserve food and fuel, sale of war bonds, and coordination of wartime production.

7. Explain the role of military intelligence, technology, and strategy during World War II including cryptology, the Manhattan Project, island hopping and describe major battles of Midway, Normandy, Iwo Jima, Okinawa, and Battle of the Bulge.

8. Describe the roles of Franklin D. Roosevelt, Harry Truman, and the United States' critical role in the Allied victory.

9. Analyze the decision for and effects of dropping atomic bombs on Hiroshima and Nagasaki.

10. Explain the use of violence and mass murder as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and the Bataan Death March and the treatment of U.S. prisoners of war.

11. Analyze the Holocaust, including the suspension of basic civil rights by the Third Reich, concentration camp system, anti-Semitism, persecution of Jews and non-Jews, Jewish and non-Jewish resistance, the role played by the United States in liberating Nazi concentration camps, immigration of Holocaust survivors, and the Nuremberg trials.

12. Describe the establishment of the United Nations, and its role in global affairs after World War II.

P. Analyze causes, major events, and key leaders of the civil rights movement.

1. Analyze the origins and goals of the civil rights movement, the effects of segregation (de jure and de facto), and efforts to desegregate schools, transportation, and public places.

2. Analyze how the ideas, work, and life of Dr. Martin Luther King Jr. influenced civil rights movements in the United States, including civil disobedience, service with the Southern Christian Leadership Conference (SCLC), writings such as his "Letter from a Birmingham Jail" and "I Have a Dream" speech, and his assassination.

3. Explain how key individuals and groups contributed to the expansion of civil rights in the United

States, including A. Philip Randolph, Jackie Robinson, Rosa Parks, Medgar Evers, Ruby Bridges, Shirley Chisholm, John Lewis, Malcolm X, and Thurgood Marshall.

4. Analyze the role and importance of key events during the civil rights movement, including the murder of Emmett Till, Baton Rouge Bus Boycott, Montgomery Bus Boycott, Little Rock Central High School desegregation, Greensboro Sit-Ins, Freedom Rides, demonstrations in Birmingham, 1963 March on Washington, Freedom Summer, and Selma to Montgomery Marches.

5. Analyze the role of the federal government in advancing civil rights, including *Brown v. Board of Education* (1954), the Twenty-Fourth Amendment, the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

6. Analyze the goals and outcomes of the American Indian Movement (AIM) and the changing relationship between Native Americans and the federal government, including before and after the Indian Self-Determination and Education Assistance Act.

7. Analyze the goals and course of the women's rights movement of the mid- to late twentieth century, with attention to House Resolution 5056, Equal Pay Act, Civil Rights Act of 1964, Title IX of the Education Amendments, Equal Rights Amendment, and the advancement of women in government and various professions.

Q. Explain major events and developments of the post-World War II era in the United States and its continued rise as a world power.

1. Explain the causes and effects of the Marshall Plan and the formation of NATO and the Warsaw Pact.

2. Analyze domestic policies of Dwight D. Eisenhower's presidential administration including the Federal Aid Highway Act of 1956.

3. Compare ideas of the United States and Soviet Union during the Cold War, including the strengths of American principles such as rights, equality of opportunity, and liberty, and equal protection under the law.

4. Describe the role of and major events and developments associated with key leaders during the Cold War, including U.S. Presidents Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, and Ronald Reagan and soviet leaders Nikita Khrushchev and Mikhail Gorbachev.

5. Analyze the causes, course of, and consequences of the Cold War and its related crises and conflicts, including Berlin Blockade and Airlift, Chinese Civil War, Korean War, Suez Crisis, U-2 Incident, Cuban Missile Crisis, Bay of Pigs Invasion, Vietnam War, Soviet-Afghan War, and Miracle on Ice.

6. Explain the role of technology in the Cold War, including the Space Race, Sputnik, and Apollo 13 mission.

7. Analyze the effects of the campaign, election, inaugural address, presidency, and assassination of John F. Kennedy.

8. Analyze the role of Lyndon B. Johnson in the civil rights movement and the Vietnam War.

9. Explain the term "silent majority" in the context of Richard Nixon's presidency, the Watergate scandal, his efforts to open trade with China, and his resignation.

10. Explain the outcome and consequences of key Supreme Court decisions in the late twentieth century,

including *Gideon v. Wainwright* (1963), *Miranda v. Arizona* (1966), and *Roe v. Wade* (1973).

11. Explain factors that led to the end of the Cold War, the fall of communism, and the collapse of the Soviet Union, including foreign policy pressures; Reagan's "Tear Down this Wall" speech, the fall of the Berlin Wall; glasnost and perestroika, and the decline of communism.

12. Explain how the failure of the communist economic and political policy, American foreign policy pressure, and the assertion of American principles such as rights, equality, and liberty, led to the end of the Cold War.

R. Explain major U.S. events and developments in the late twentieth and early twenty-first centuries.

1. Analyze Ronald Reagan's political career ("A Time for Choosing" speech) and key policies of his presidency (four pillars of Reaganomics reduce taxes, reduce federal spending, reduce government regulation, tighten the money supply).

2. Explain the effects of major issues and events of the late twentieth century, including the HIV/AIDS epidemic and disease perceptions, the war on drugs, and the space shuttle Challenger disaster.

3. Explain causes of the Gulf War, its major military leaders, and unity on the home-front.

4. Explain the causes and effects of domestic incidents, terrorism, and mass shootings, including the Ruby Ridge incident, Waco siege, Oklahoma City Bombing, and Columbine High School shooting.

5. Analyze the effects of advancements in technology and media during the mid- to late twentieth century, including the radio, television, and the internet.

6. Explain events leading up to the September 11th attacks, the attack on New York City, the attack on the Pentagon, Flight 93, President George W. Bush's speech from Barksdale Air Force Base, the lives lost, national unity in the aftermath, subsequent military operations, and the expansion of intelligence agencies.

7. Compare the judicial philosophies of Supreme Court justices of the twentieth and twenty-first centuries, including those of Antonin Scalia and Ruth Bader Ginsberg.

8. Analyze the presidential administrations of George H.W. Bush (Gulf War), Bill Clinton (influence of the Contract with America on the legislative agenda, involvement in Bosnia), and George W. Bush (September 11th).

9. Explain important issues of the 2008 presidential election and the significance of the election of Barack Obama.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 25. High School – World History §2501. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the world from 1300 to 2010. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped world history. In this course, students will examine fourteenth-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions,

industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2503. Standards

A. Analyze ideas and events in world history from 1300 to 2010 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in world history within their global context from 1300 to 2010.

C. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

D. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Evaluate claims, counterclaims, and evidence.
3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. Demonstrate an understanding of social studies content.
2. Compare and contrast content and viewpoints.
3. Analyze causes and effects.
4. Evaluate counterclaims.

F. Evaluate the influence of science, technology, innovations, and explain how these developments have altered societies in the world from 1300 to 2010.

G. Analyze causes and effects of events and developments in world history from 1300 to 2010, including fourteenth-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions, industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

H. Analyze the relationship between events and developments in Louisiana history and world history from 1300 to 2010.

I. Analyze the origins and emergence of economic principles such as feudalism, mercantilism, capitalism, socialism, and communism and their effects on political institutions throughout the world from 1300 to 2010.

J. Analyze the causes and effects of global and regional conflicts in the world from 1300 to 2010.

1. Analyze the causes, effects, and reactions to imperialism from 1450 to 1945 and the experiences of those who were colonized.

2. Analyze causes and effects of political revolutions of the eighteenth, nineteenth, and twentieth centuries throughout the world.

K. Analyze the development of political and social structures throughout the world from 1300 to 1600.

1. Analyze how various religious philosophies have influenced government institutions and policies from 1300 to 2010.

2. Analyze the development and contribution of enlightenment ideas such as humanism, state of nature, social contract, and natural rights to the structure and function of civic and political institutions from 1600 to 2010.

3. Analyze how civic ideals such as freedom, liberty, and equal justice have influenced world governments from 1300 to 2010.

4. Compare and contrast systems of governance, including absolutism, communism, democracy, imperialism, fascism, monarchism, and republicanism across world history in the period from 1300 to 2010 and their methods of maintaining power.

5. Analyze the historical connections between Civil Law, the Napoleonic Code, and Louisiana's system of laws.

6. Explain the powers and responsibilities of local, state, tribal, national, and international civic and political institutions and their efforts to address social and political problems.

L. Describe various systems, laws, and policies of governance across world history in the period from 1300 to 2010 and their methods of maintaining power, including absolutism, communism, democracy, imperialism, fascism, theocracies, monarchism, and republicanism.

M. Analyze the origins, consequences, and legacies of genocides that occurred in world history from 1914 to 2010.

N. Analyze the causes of decolonization, methods of gaining independence, and geopolitical impacts of new nation-states from 1945 to 2010.

O. Analyze the roles of various countries during the Cold War and their roles in post-Cold War international agreements and organizations.

P. Analyze ideals and principles that contributed to the rise of independence movements from 1300 to 2010.

Q. Analyze goals, strategies, and effects of movements, both violent and non-violent, to gain freedom and political and social equality in world history from 1914 to 2010.

R. Describe how global, national, and regional economic policies affect individual life decisions over time.

S. Analyze the influence of fiscal policies such as taxation and tariffs, trade embargoes, and spending policies on national economies.

T. Describe the causes of trade, commerce, and industrialization and how they affected governments and societies from 1300 to 2010.

U. Explain the economic, demographic, social, and cultural consequences of coerced labor throughout the world.

V. Analyze trends of increasing economic interdependence and interconnectedness in world history from 1300 to 2010.

W. Analyze the impact of natural resources on the development of the Louisiana economy within the context of global interdependence.

X. Analyze the effect that humans have had on the environment in terms of resources, migration patterns, and global environmental issues.

Y. Explain the relationship between the physical environment and culture on local, national, and global scales.

Z. Analyze the causes and effects of the movement of people, culture, religion, goods, diseases, and technologies through established systems of connection.

AA. Explain how regional interactions shaped the development of empires and states from 1300 to 2010.

BB. Explain the effectiveness of institutions designed to foster collaboration, compromise, and development from the post-Napoleonic era to the present.

CC. Analyze how advancements in communication, technology, and trade impact global interactions from 1300 to 2010.

DD. Analyze patterns of population distribution and migration from 1300 to 2010.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 27. High School—World Geography

§2701. Introduction

A. In the high school world geography course, students will develop geographic and spatial thinking skills to better understand the different people, places, and environments around the world. Students will examine various themes including population, culture, migration, urbanization, agriculture, economics, and political systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2703. Standards

A. Describe economic, social, cultural, political, and physical characteristics of countries, nations, and world regions.

B. Analyze geographic patterns and processes using spatial knowledge of the world's continents, major landforms, major bodies of water, and major countries.

C. Connect past events, people, and ideas to the present to draw conclusions and explain current implications.

D. Describe how geographic tools, representations, and technologies are used in the study of geography.

1. Create and use geographic representations, data, and geospatial technologies to analyze geographic patterns and changes over time, including maps, satellite images, photographs, charts, graphs, population pyramids, GIS, and GPS.

2. Describe the influence of technology on the study of geography and gather geographic information using technological tools.

3. Compare and contrast various types of maps and map projections, and evaluate distortions associated with each map projection.

4. Analyze how maps and data illustrate territorial divisions and regional classification of the earth's surface.

E. Explain the spatial relationships of human settlement, migration, and population.

1. Explain the patterns and processes of human settlement and migration.

2. Analyze population growth over time and predict future trends.

3. Evaluate how historical processes, including cultural diffusion, colonialism, imperialism, trade, urbanization, and migration have affected countries and world regions.

4. Explain how landscape features and natural resource use can reflect cultural attributes.

5. Evaluate the consequences of globalization, the acceleration of communication, and the diffusion of ideas, information, and culture.

F. Analyze geographic factors that influence economic development.

1. Explain the spatial patterns of industrial production and development.

2. Analyze the distribution of resources and describe their influence on individuals, businesses, and countries.

3. Analyze factors that influence the economic development of countries.

4. Describe social and economic measures of development in various countries.

5. Explain how economic interdependence and globalization affect countries and their populations.

6. Analyze the historical and contemporary economic influence that Louisiana has on other parts of the United States and on the broader world.

7. Analyze the historical and contemporary effects that globalization has on Louisiana's economy.

G. Analyze how governments and political boundaries affect people and places.

1. Compare various systems of government in terms of division of power, economic ideologies, and power structure.

2. Analyze various economic philosophies including, capitalism, socialism, and communism that have influenced the development of political and economic systems.

3. Evaluate the purpose of political institutions at various levels, local to supranational, and distinguish their roles, powers, and limitations.

4. Analyze how political boundaries are created and how they affect political institutions.

5. Describe nations and states using appropriate terminology.

6. Analyze actions in various regions taken by individuals, groups, regional governments, and supranational organizations to expand freedoms and protect human rights.

7. Evaluate factors that contribute to cooperation and conflict, including trade, natural resources, and land acquisition.

8. Explain the degree to which cooperation and conflict have affected countries and world regions.

H. Analyze how people have modified or adapted to the environment locally, nationally, regionally, and globally.

1. Analyze effects of human settlement patterns and land use on the natural environment.

2. Identify ways in which people have attempted to mitigate the effects of natural disasters.

3. Analyze causes and effects of local, national, regional, and global environmental issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 29. Social Studies Skills and Practices

§2901. Kindergarten through Second Grade

A. Describe differences between primary and secondary sources.

B. Select and use appropriate evidence from primary and secondary sources to support claims.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2903. Third through Fifth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;
2. determine the origin, author's point of view, and intended audience;
3. understand and use content-specific vocabulary and phrases.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. explain claims and evidence; and
3. compare and contrast multiple sources.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects; and
4. describe counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2905. Sixth through Eighth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;
2. determine the origin, author's point of view, intended audience, and reliability; and
3. explain the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts; and
4. distinguish between historical facts and historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects; and
4. explain counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2907. Ninth through Twelfth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;
2. determine the origin, author's point of view, intended audience, and reliability; and
3. analyze the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts; and
4. explain how the availability of sources affects historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects; and
4. evaluate counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1964—Louisiana Content
Standards, Benchmarks, and Grade Level Expectations
for Social Studies**

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

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

There will be increased costs of approximately \$933,334 in federal funding per year for three years (\$2.8 M total) to the Louisiana Department of Education (LDE) to develop instructional materials and related resources and the delivery of professional development to support curriculum implementation. The LDE plans to utilize federal funding from the Elementary and Secondary Schools Emergency Relief II (ESSER II) grant.

There will be increased costs to public school governing authorities to purchase updated curricula and professional development materials. Based on historical data, the LDE expects that adoption of new K-12 curricula for the standards will cost \$45 M to \$60 M statewide. For context, districts spent an average of \$49 M per school year on textbooks and workbooks from 2017 to 2020. There will be little or no impact to the extent districts are able to incorporate costs for updated materials into their ordinary operating expenses; however, this will vary according to district needs and funding availability.

The proposed revisions will require the development of curriculum and professional development materials to support instruction as well as an updated state assessment. School year 2022-23 will be a learning year for these standards, with full implementation in school year 2023-24 and field testing of the assessment. The standards will be fully assessed in school year 2024-25. LDE will provide crosswalk documents to aid in the transition, as well as professional development sessions at the 2022 Teacher Leader Summit. An instructional framework and content-specific one pagers will also be available. Conversations with curriculum vendors are in progress to facilitate the development of multiple curricula available for local adoption. Actual costs to implement the standards are indeterminable and will vary based on local implementation plans.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Teachers and district-level personnel may experience an increase in workload as they work to understand and implement the revised standards; however, any costs associated with this increased workload are indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#058

Alan Boxberger
Staff Director
Legislative Fiscal Office

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Department of Children and Family Services

Louisiana's 2022 Annual Progress and Services Report

The Department of Children and Family Services (DCFS) announces opportunities for public review of the state's 2022 Annual Progress and Services Report (APSR). The APSR is a report on the achievement of goals and objectives and/or outcomes for the last year of the 2020-2024 Child and Family Services Plan (CFSP). This plan addresses the use of Title IV-B, Subpart 1 and Subpart 2, Title IV-E Chafee Foster Care Independence Program (CFCIP), Educational and Training Vouchers (ETV), and Child Abuse Prevention and Treatment Act (CAPTA) funds and serves as the applications for additional funds from these federal sources.

Louisiana, through the DCFS, provides services that include child abuse prevention, child protective services, family services-prevention and intervention services, foster care, adoption and the youth transition services. The Department will use its allotted funds provided under the Social Security Act, Title IV-B, Subpart 1, entitled the Stephanie Tubbs Jones Child Welfare Services Program, to provide child welfare services to prevent child abuse and neglect, to prevent foster care placement, to reunite families, to arrange adoptions, and to ensure adequate foster care. Title IV-B, Subpart 2, entitled Promoting Safe and Stable Families, funds services to support families and prevent the need for foster care. The CFCIP funds services to assist foster children 15 years of age and older who are likely to remain in foster care until 18 years of age. Former foster care recipients who are 18 years of age who have aged out of foster care, and those who were adopted or entered guardianship at age 16 years of age or older, are also eligible for services. The services include basic living skills training and education and employment opportunities. The CAPTA funding is used to complement and support the overall mission of child welfare with emphasis on developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs and to support Citizen Review Panels statewide.

The DCFS is encouraging public participation in the planning of services and the writing of this document. The report can be found for review on the internet at <http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=132> then by clicking on the 2022 APSR link. Inquiries and comments on the plan may be submitted in writing to the DCFS, Attention: Child Welfare Administrator, P O Box 3318, Baton Rouge, LA 70821. The deadline for receipt of written comments is Friday, May 27, 2022 at 9 a.m.

All interested persons will have the opportunity to provide comments and/or recommendations on the plan, orally or in writing, at a public hearing scheduled for May 27, 2022 at 10 a.m. Due to COVID-19, interested persons may join via Zoom; join from PC, Mac, Linux, iOS or Android:

<https://stateofladcfs.zoom.us/j/89454160534?pwd=akhNLYttZkwyQlRjYjdSaXdkVksJdz09>, password - 281541, or telephone by dialing USA (713) 353-0212, conference code - 848054.

Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

2205#036

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Children and Family Services

Social Services Block Grant Intended Use Report

The Department of Children and Family Services (DCFS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the state fiscal year (SFY) beginning July 1, 2022, and ending June 30, 2023. The proposed SFY 2021-2022 SSBG intended use report has been developed in compliance with the requirements of section 2004 of the Social Security Act (SSA), as amended and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The DCFS, as the designated state department, will continue to administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DCFS, Child Welfare Section (CWS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of SFY 2021-2022 SSBG expenditures for adoption, child protection, family services, and foster care/residential care services.

Louisiana, through DCFS/CWS, will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the intended use report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 2022-2023 are:

A. adoption (pre-placement to termination of parental rights);

B. child protective services including assessment, evaluation, social work intervention, shelter care, counseling and referrals for child abuse/neglect reports;

C. family services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups);

D. foster care/residential care services (foster, residential care, and treatment on a 24-hour basis).

Definitions for the proposed services are set forth in the intended use report.

Persons eligible for SSBG funded services include:

A. persons WRI, who are in need of adoption services, child protection, family services, and foster care/residential services;

B. individuals WRI who are recipients of Title IV-E adoption assistance;

C. recipients of supplemental security income (SSI) and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients;

D. low-income persons (income eligible) whose gross monthly income is not more than 125 percent of the poverty level. A family of four with gross monthly income of not more than \$2890 would qualify as income eligible for services;

E. persons receiving title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as eligible groups.

The post expenditure report for the SSBG program for SFY 2021 is included in the SSBG intended use report for SFY 2021-2022. Free copies are available by telephone request to (225) 342-342-5918 or by writing to the Administrator, Child Welfare Section, P.O. Box 3318, Baton Rouge, LA 70821.

The report is available for public review online at: <http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=131>, then select the 2021-2022 SSBG link. Inquiries and comments on the plan may be submitted in writing to the DCFS, Attention: Child Welfare Administrator, P.O. Box 3318, Baton Rouge, LA 70821. The deadline for receipt of written comments is Friday, May 27, 2022 at 9 a.m.

All interested persons will have the opportunity to provide comments and/or recommendations on the plan, orally or in writing, at a public hearing scheduled for Friday, May 27, 2022 at 10 a.m. Due to COVID-19, interested persons may join via Zoom; join from PC, Mac, Linux, iOS or Android: <https://stateoflacfcs.zoom.us/j/89454160534?pwd=akhNlyttZkwYQIRJYjdSaXdkVksJdz09>, password - 281541, or telephone by dialing USA (713) 353-0212, conference code - 848054. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Marketa Garner Walters
Secretary

2205#037

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	020	23675
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	023	37526
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	051	57480
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	052	57951
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	050	58632(30)
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	077	142672(30)
C. L. Morris, Inc.	Caddo Pine Island	S	Raines	078	142690
E. and S. Drilling Company	Iberia	L	Sabatier Estate	001	92399
F.G. Beamsley	Caddo Pine Island	S	Surrey Oil Co	002	34293
Fortuna Oil Co	Wildcat-No La Shreveport Dist	S	Herndon	001	597
G. R. Goodwill	Caddo Pine Island	S	Caddo Levee Board C	007	175377
H. T. Shalett	Raceland	L	J P Moore et al	001	82328
Hillstar Oil and Gas Inc	Hester	L	He D 3 RC su;Poche	001	158492
Hillstar Oil and Gas Inc	Hester	L	Thomas Poche	001-D	161462
Hillstar Oil and Gas Inc	Hester	L	He D 3 Rc Su;T Kliebert Et Al	001	167321

Operator	Field	District	Well Name	Well Number	Serial Number
Hillstar Oil and Gas Inc	Napoleonville	L	H Triche	001	222185
Hillstar Oil and Gas Inc	College Point-St James	L	Mcg-Boss ra sua; Jr Ory Jr et al	001	234755
Hillstar Oil and Gas Inc	Napoleonville	L	C K Masur et al	001	247622
Hillstar Oil and Gas Inc	Hester	L	Hester Field swd	001	971078
MLGW	Monroe	M	J B Bennett	005	150562(29)
Pine Top Energy Inc.	Caddo Pine Island	S	C W Lane swd	004	59239
Sanchez Oil and Gas Corporation	Lower Sunk Lake	M	Concordia Ph Sch Bd swd	003	87229(29)
Sanchez Oil and Gas Corporation	Catahoula Lake	M	Wx C RC su84; S1 502 Cat Lk C	012	108213(30)
Sanchez Oil and Gas Corporation	Larto Lake	M	Missiana Land and Timber swd	001	146635(29)
Sanchez Oil and Gas Corporation	Catahoula Lake	M	Wx C RC su78; S1 502 Cat Lk C	014	162925(30)
Sanchez Oil and Gas Corporation	Catahoula Lake	M	S1 502 Catahoula Lake C swd	016	186072(30)
Sanchez Oil and Gas Corporation	Stacy	M	Brushy Bayou swd	002	190574(29)
Sanchez Oil and Gas Corporation	Milligan Bayou, Northeast	M	Art ra sua; S1 12894	005	212110(30)
Sanchez Oil and Gas Corporation	Long Branch	M	Beltzhoover swd	002	221981(30)
Sanchez Oil and Gas Corporation	Coochie	M	Mobil Fee swd	001	972633(29)
Sanchez Oil and Gas Corporation	Five Mile Bayou	M	W E Groves swd	001	973337(29)
Uni Production Company, Inc.	Gamm	S	Caddo Pine Island	001	44149(30)

Richard P. Ieyoub
Commissioner

2205#038

POTPOURRI

Department of Public Safety and Corrections Oil Spill Coordinator's Office

Notice of Restoration Plan—2014 Mid-Valley Pipeline Oil Spill

Action:

Notice of Availability of a Draft Damage Assessment and Restoration Plan with a 30-day public review and comment period -- LOSCO NRDA case file #LA2014_1013_1210 (Mid-Valley Pipeline Oil Spill 2014).

Agencies:

Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); and Louisiana Coastal Protection and Restoration Authority (CPRA); collectively referred to herein as the "Trustees."

Authorities:

The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from oil spill incidents in Louisiana. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX. In accordance with OPA, OSPRA, and the regulations, the Trustees have conducted a Natural Resource Damage Assessment (NRDA) for the 2014 oil discharge into Miller Branch Creek, Tete Bayou, and connecting waterways and wetlands (Incident). Sunoco Pipeline L.P. ("Sunoco"), as the operator of the pipeline that discharged oil, and Mid-Valley Pipeline Company ("Mid-Valley"), as the owner of the pipeline that discharged oil, are liable according to 33 U.S.C. § 2702 and La. R.S. 30:2480 for natural resource damages resulting from the Incident.

Summary:

Pursuant to 15 C.F.R. §§ 990.23, 990.55 and LAC 43:XXIX, Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan for 2014 Mid-Valley Pipeline Oil Spill, NRDA Case File #LA2014_1013_1210" (Draft DARP) is available for public review and comment. The Draft DARP identifies the natural resources and services that were determined to be injured by the Incident, describes the assessment procedures used to quantify injury, outlines the scaling approach and restoration alternative selection process, and presents the Trustees' proposed plan to restore natural resources or services equivalent to those lost as a basis for compensating the public for the injuries to natural resources and services resulting from the Incident. The Draft DARP evaluates restoration alternatives that the Trustees considered and identifies the Trustees' preferred restoration alternative. The

Trustees propose the implementation of the United States Fish and Wildlife Service – Natchitoches National Fish Hatchery Alligator Snapping Turtle Head-Start Project as one component of the preferred alternative to compensate the public for wildlife injuries resulting from the Incident. Restoration action(s) for habitat injuries are not proposed at this time, as the Trustees are still evaluating habitat restoration project(s) to address these injuries. When suitable projects are identified, the Trustees will provide details in a subsequent restoration plan that will be made available for public review and comment. After finalization of the Draft DARP, the Trustees will prepare a Final Damage Assessment and Restoration Plan (Final DARP) and make it available to the public.

The Draft DARP is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review this document and submit comments to the mailing or email address listed below. The Trustees will consider comments received during the public comment period before finalizing the Final DARP. Public review of the Draft DARP is consistent with all federal and state laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX, et seq.

Public Participation:

Interested members of the public are invited to view the Draft DARP via the internet at <http://www.losco.state.la.us> (look under Newsflash/current news for 2014 Mid-Valley Pipeline Oil Spill Draft Damage Assessment and Restoration Plan Available) or by requesting a copy of the document at the following address:

Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
Attn: Charles K. Armbruster
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
losco@la.gov

Public participation is encouraged. Opportunities to participate in the process include public availability of Administrative Record (AR) documents as well as an opportunity for the public to review and comment on the Draft DARP. The AR can be found at <https://data.losco.org> under "Search Administrative Records".

Comment Submittals:

Comments must be submitted in writing or digitally to Charles K. Armbruster at the above address on or before the end of the 30-day comment period.

For Further Information:

Contact Charles K. Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information:

On August 20, 2017, the Trustees published a Notice of Intent in the Louisiana Register (Vol. 43, No. 08, pp. 1695-1697) to notify the public that they intended to conduct restoration planning for the Incident, develop restoration alternatives that would restore, replace, rehabilitate, or

acquire the equivalent of natural resources injured and/or natural resource services lost as a result of the Incident, and open an AR to facilitate public involvement in the restoration planning process. Sunoco, Mid-Valley, and the Trustees agreed to settle NRDA liability for a cash amount, and on August 20, 2021, the Trustees published a Notice of Availability of a proposed Settlement Agreement for Natural Resource Damages in the Louisiana Register (Vol. 47, No. 8, pp. 1201-1202). The Trustees did not receive comments during the 30-day public comment period. A copy of the Settlement Agreement is available on LOSCO's website.

Sam Jones
Oil Spill Coordinator

2205#033

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

Notice of Settlement Agreement—Grand Bay Oil Spill

Action:

Notice of Availability of a Settlement Agreement for Natural Resource Damages – LOSCO NRDA case file # LA2019_0401_1830 [Grand Bay]. The Settlement Agreement for Natural Resource Damages is available for public review and comment for 30 days.

Agencies:

Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSICO); Coastal Protection and Restoration Authority; Department of Environmental Quality; Department of Natural Resources; and Department of Wildlife and Fisheries (collectively, the "Trustees").

Authorities:

The Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), R.S. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing designated federal and state agencies and tribal officials to act as natural resource trustees for the recovery of damages for injuries to trust resources and services resulting from an oil spill. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at LAC 43:XXIX.

By letter dated March 27, 2017, and pursuant to 33 U.S.C. §2706(b)(3), the Governor of Louisiana designated the Trustees to act on behalf of the public under OPA. These same agencies serve as State Trustees under OSPRA according to R.S. 30:2451, et seq. and LAC 43:XXIX, Chapter 1, Section 101, et seq. Lobo Operating, Inc. ("Lobo"), as the owner and operator of the pipeline that discharged oil, is the identified Responsible Party and is therefore liable according to 33 U.S.C. § 2702 and R.S. 30:2480 for natural resource damages resulting from the incident.

Summary of Incident:

On or about April 1, 2019, a bulk line connected to Lobo's Grand Bay Tank Battery #1 near Venice, LA experienced a failure (NRC #1241638, LSP #19-01418) (hereinafter the "Incident"). An estimated 20 barrels of crude oil was released into the adjacent waterway and surrounding marsh. Response actions lasted for several weeks and included,

among others, hard and sorbent booming, use of scare cannons (to haze wildlife out of impacted areas), various washing techniques, flushing of impacted marsh and use of skimmers to collect pooled oil, cutting and removal of oiled Phragmites australis, and collection and disposal of over 5,300 bags of oily vegetation, trash and debris. Natural resources within the area that provide services to the public were adversely impacted by the discharged oil and response actions, including surrounding coastal herbaceous wetland and wildlife.

On November 20, 2019, the Trustees issued a Notice of Intent to Conduct Restoration Planning for this Incident. The Trustees and Lobo quantified the injuries to natural resources and services utilizing the compensation schedule found at LAC 43:XXIX.121.H.4 and as allowed by 15 C.F.R. §990.27(b)(1)(iii).

Purpose:

Pursuant to LAC 43:XXIX, Chapter 1, Section 101, et seq., notice is hereby given that a document entitled, “Settlement Agreement for Grand Bay Oil Spill” is available for public review and comment. Lobo and the Trustees propose a cash settlement amount to expedite restoration for this Incident and to resolve Lobo’s liability for natural resource damages under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), and Section 2480 of OSPRA, R.S. 30:2480. The mutual objectives of Lobo and the Trustees in entering into the proposed Settlement Agreement are:

- (i). to provide funding to the Trustees to restore, replace, or acquire the equivalent of the natural resources injured, destroyed, or lost as a result of the Incident;
- (ii). to provide payment to the Trustees to reimburse the remaining unpaid natural resource damage assessment costs incurred by the Trustees; and
- (iii). to resolve the Trustees’ claims against Lobo for natural resource damages under OPA and OSPRA as provided herein.

The Settlement Agreement is available to the public for a 30-day comment period, which will begin on the date of this public notice announcing availability of the document for public review. The Trustees invite the public to review the Settlement Agreement and submit comments to the address listed below. The Trustees will consider comments received during the public comment period on the Settlement Agreement before finalizing the document. The Trustees are in the process of identifying and evaluating potential

restoration projects that will appropriately address injuries to natural resources resulting from the Incident.

Public Participation:

Interested members of the public are invited to view the Settlement Agreement via the internet at <http://www.losco.state.la.us> (under Newsflash/current news for Grand Bay NRDA Settlement Agreement Available For Public Comment) or by requesting a copy of the document from Gina Muhs Saizan at the address provided below:

Gina Muhs Saizan
Louisiana Oil Spill Coordinator’s Office
Department of Public Safety and Corrections
P.O. Box 66614
Baton Rouge, LA 70896
(225) 925-6606
Gina.Saizan@la.gov

Public participation is encouraged. The Trustees have opened an Administrative Record (AR) pursuant to 15 C.F.R. § 990.45 and LAC 43:XXIX.127 to document the basis for the Trustees’ decisions pertaining to injury assessment and selection of restoration alternatives. The AR can be found at <https://data.losco.org> under “Search Administrative Records.” Additional opportunities for input will include public review and comment on draft restoration planning documents that will identify the Trustees’ preferred restoration project(s) for this Incident. Public participation is consistent with all state and federal laws and regulations that apply, including Section 1006 of OPA, 33 U.S.C. § 2706; the OPA regulations, 15 C.F.R. Part 990; Section 2480 of OSPRA, R.S. 30:2480; and the OSPRA regulations, LAC 43:XXIX, Chapter 1, Section 101, et seq.

Comment Submittals:

Comments to the Settlement Agreement must be submitted in writing or digitally to Gina Muhs Saizan on or before the end of the 30-day comment period.

For Further Information:

Contact Gina Muhs Saizan at (225) 925-6606 or by email at Gina.Saizan@la.gov.

Samuel E. Jones
Oil Spill Coordinator

2205#031

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