

CONTENTS

I. EXECUTIVE ORDERS

BR 91-5—Authorizes the Comprehensive Housing Affordability Strategies (CHAS) to achieve a national goal of the Affordable Housing Act. 539

II. EMERGENCY RULES

Civil Service Department:

Civil Service Commission—Military department distinction between classified and unclassified positions. 540

Education Department:

Board of Elementary and Secondary Education—Bulletin 741-Louisiana Handbook for School Administrators 540

Bulletin 1508-Pupil Appraisal Handbook 540

Bulletin 1706-Exceptional Children's Act Implementation 540

Bulletin 1706-Exceptional Children's Act Speech Therapy Program 541

Bulletin 1882-Administrative Leadership Academy Guidelines 541

Bulletin 1895-Model Career Options Program (MCOP) Guide 541

Entrance Requirements for Postsecondary Technical Institute 557

Force Plan Reduction for Vo-Tech Personnel 557

Salary Schedule for State Technical Institutes 559

Teacher Tuition Exemption Guidelines 559

Health and Hospitals Department:

Office of the Secretary—Bureau of Health Services Financing—Accessible care in rural communities. 561

Dispensing fee on Title XIX prescriptions. 563

Exceptions to cost avoidance claims payment methods in third party liability 564

Extends Medicaid to F and V children 565

Hospital criteria for participation in disproportionate share payments 565

Implementation of OBRA '90 provisions. 566

MAP-Extends Medicaid coverage for AFDC and SSI eligibles 567

MAP Reimbursement methodology for SN/ID Services 567

Nursing facility beds for AIDS patients 568

Reimbursement methodology for anesthesia services 569

Rural hospital reimbursement based on allowable costs 570

Traumatic brain injury inpatients-Medicaid reimbursement 571

Social Services Department:

Office of Family Support—AFDC certification as essential persons 571

Treasury Department:

Board of Trustees of the State Employees Group Benefits Program—Acceptance of new groups into state benefits program 571

Bond Commission—Increases maximum on authorized lines of credit 572

Deferred Compensation Commission—Minimum monthly deferred compensation authorization 573

Wildlife and Fisheries Department:

Wildlife and Fisheries Commission—Delay of 1991 Spring inshore shrimp season. 573

III. RULES

Economic Development Department:

Board of Architectural Examiners—Continuing education (LAC 46:I.1117) 573

Interpretation of LA R.S. 37:152(B) (LAC 46:I.1115) 575

Titles, Firm Names, and Assumed Names (LAC 46:I.Chapter 13) 575

Board of Examiners of Certified Shorthand Reporters—Examinations, continuing education, fees (LAC 46:XXI.301, 607, 901) 578

Financial Institutions—Licensed lender application (LAC 10:VII.Chapter 1) 578

Records retention (LAC 10:VII.301) 588

Racing Commission—Apprentice's Contract (LAC 46:XLI.705) 588

Education Department:

Board of Elementary and Secondary Education—Bulletin 746-School psychologist certification 589

Bulletin 1868-Technical Institute Salary Schedule. 589

Bulletin 1877-LTIP/LaTEP Implementation Guide 589

8(g) Annual Program and Budget, FY 1991-92 589

Vocational and vocational-technical education (LAC 28:I.1523, 1527) 589

Student Financial Assistance Commission, Office of Student Financial Assistance—Lender of last resort 590

Out-of state eligibility requirements. 590

Scholarship eligibility and selection criteria 591

Scholarship/Grant Program 593

Scholarship merit ranking formula 594

Trade, occupation and professional licensing 594

Elections and Registration Department:

Commissioner of Elections—Procurement of voting machine storage and drayage services (LAC 31:III.701) 595

This public document was published at a total cost of \$6,700.00. 1,300 copies of this public document were published in this monthly printing at a cost of \$4,700.00. The total cost of all printings of this document including reprints is \$6,700.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Governor's Office:	
Office of Elderly Affairs—Area Agency Advisory Council (LAC 4:VII.1131)	599
Area agency governing body (LAC 4:VII.1129)	600
Area agency responsibilities; long term care ombudsman (LAC 4: VII.1127, 1229)	600
Council on Aging, organization (LAC 4:VII.1167)	602
Health and Hospitals Department:	
Board of Medical Examiners—Physicians/Surgeons licenses, permits, and examination (LAC 46:XLV.125)	603
Office of Human Services—Group homes for recovering substance abusers (LAC 48:VII.Chaper 7)	603
Office of Secretary, Bureau of Health Services Financing—Facility need review-expands number of beds in nursing facilities	604
Natural Resources Department:	
Office of the Secretary—Fishermen's Gear Compensation Fund-fee assessment (LAC 43:I.1515)	605
Public Safety and Corrections Department:	
Corrections Services—Disciplinary rules for adult prisoners (LAC 22:I.341-403)	605
Medical Parole (LAC 22:I.310)	605
Office of Alcoholic Beverage Control—Fairs, Festivals and Special Events (LAC 55:VII.323)	606
Malt beverage industry unfair business practices (LAC 55:VII.317)	607
Stocking, pricing and rotating (LAC 55:VII.319)	609
Office of State Police—Right to know (LAC 33:V.10111)	609
Revenue and Taxation Department:	
Tax Commission—Real property, miscellaneous (LAC 61:V.303 and Chapter 35)	610
Social Services Department:	
Office of Family Support—JOBS Transportation allotment	611
Rehabilitation Services—Personal Care Attendant Program	611
IV. NOTICES OF INTENT	
Civil Service Department:	
Civil Service Commission—Amends Chapter 16-Investigations	612
Education Department:	
Board of Elementary and Secondary Education—Bulletin 746-Standards for state certification personnel.	614
Bulletin 1822-Culinary Arts and Occupations	614
Bulletin 1882-Administrative Leadership Academy Guidelines	615
Consolidation of Memorial Area and J.E. Jumonville, Sr. technical institutes	615
Education Majors Scholarship Program	616
Post-Baccalaureate Scholarship	616
Teacher Tuition Exemption application	617
Student Financial Assistance Commission:	
Office of Student Financial Assistance—Attendance rules exceptions	617
School Participation Limitations	619
Environmental Quality Department:	
Office of Legal Affairs and Enforcement—Departmental Administrative Procedures (OS10)(LAC 33:I.Chapters 5, 7, 13, 17, 23)	620
Office of Solid and Hazardous Waste—Chlorofluorocarbon exemption (HW28)	621
Governor's Office:	
Office of State Land—Land Information Mapping and Map Records System	622
Health and Hospitals Department:	
Board of Examiners for Nursing Home Administrators—Administrators licensing and regulating	622
Office of Public Health—Family Planning Program-fee adjustment schedule (LAC 48:V.3703)	623
River Port Pilot Commissioners:	
Deadweight tonnage limitations	624
Social Services Department:	
Office of Family Support—Individual and Family Grant (IFG) Program-flood insurance maximum	624
JOBS Project Independence-Implementation	625
JOBS Project Independence-Community Work Experience Program	626
Rehabilitation Services—Louisiana Rehabilitation Services Policy Manual Revisions	626
Three-Year State Plan	627
Treasury Department:	
Deferred Compensation Commission—Minimum monthly deferred compensation authorization	627
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Bowfin size limits	628
V. COMMITTEE REPORTS	
Economic Development Department:	
Office of Commerce and Industry—Enviromental criteria for rating tax exemptions (Governor's Response)	629
VI. POTPOURRI	
Health and Hospitals Department:	
Board of Embalmers and Funeral Directors—Examination notice	629
Natural Resources Department:	
Office of Secretary, Fishermen's Gear Compensation Fund—Claims	629
Social Services Department:	
Office of Secretary—Child Care and Development Block Grant-Public hearing	630
Public Hearing	630

Executive Orders

EXECUTIVE ORDER BR 91 - 5

WHEREAS, The Cranston-Gonzalez National Affordable Housing Act (the "Affordable Housing Act") which was signed into law on November 28, 1990 by President George Bush affirms the national goal that every American family be able to afford a decent home in a suitable environment; and

WHEREAS, The purposes of the Affordable Housing Act are:

(1) to help families not owning a home to save for a down payment for the purchase of a home;

(2) to retain, wherever feasible, as housing affordable to low-income families, those dwelling units produced for such purpose with federal assistance;

(3) to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of housing affordable to low-income and moderate-income families;

(4) to expand and improve federal rental assistance for very low-income families; and

(5) to increase the supply of supportive housing which combines structural features and services needed to enable persons with special needs to live with dignity and independence; and

WHEREAS, among the new housing programs created by the Affordable Housing Act to assist state and local governments to achieve the national goal are the HOME Investment Partnerships (created by Title II of the Affordable Housing Act) and the HOPE Programs (created by Titles IV, V, and VIII of said Affordable Housing Act); and

WHEREAS, the centerpiece of these new programs, as well as the management of existing programs, is the Affordable Housing Act's requirement that state and local governments must have Comprehensive Housing Affordability Strategies ("CHAS"); and

WHEREAS, Section 105 of the Affordable Housing Act provides that the CHAS shall be in a form that the Secretary of Housing and Urban Development ("HUD") determines to be appropriate; and

WHEREAS, the secretary of HUD promulgated on February 4, 1991 an interim rule (the "CHAS Rule") implementing Section 105 of the Affordable Housing Act which prescribes the development of the CHAS, as well as Section 107 and 108, which prescribes the citizen participation procedure for development of the CHAS and the compliance procedures to be followed by state; and

WHEREAS, Section 91.20 of the CHAS Rule requires that, in formulating its housing strategy for the state, the state government must include data covering all areas within the state, both metropolitan and non metropolitan areas, containing the following elements:

(a) Needs data

(b) Homeless assistance needs and strategy

(c) Market characteristics

(d) Relevant public policies

(e) Institutional structure

(f) Resources

(g) Plan

(h) Intergovernmental cooperation

(i) Tax Credits

(j) Public Housing Ownership

(k) Monitoring procedures

(l) Fair housing

(m) Replacement of low-income housing and relocation assistance

(n) Goals

WHEREAS, the Louisiana Housing Finance Agency (the "Agency") was created to facilitate the provisions of decent, safe and sanitary residential housing at affordable prices to persons of low and moderate income; and

WHEREAS, the Board of Commissioners of the Agency is authorized and directed by the Louisiana Housing Finance Act (the "LHF Act") contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950 to establish policy for housing finance for all units, divisions, agencies, public corporations and instrumentalities of the state directly or indirectly involved in financing single family or multifamily housing; and

WHEREAS, the Agency is authorized to undertake and carry out or authorize the completion of studies and analyses of housing conditions and needs within the state and ways of meeting such needs; and

WHEREAS, the LHF Act further authorizes the Agency to promulgate rules, regulations, or such other procedures for the coordination of all state administered housing programs; and

WHEREAS, the governor of the state of Louisiana hereby deems it necessary and desirable to further authorize and direct the Agency to coordinate the preparation of the CHAS on behalf of the state; and

WHEREAS, the governor of the state of Louisiana further deems it necessary and desirable to direct every department, agency or instrumentality of the state to cooperate with the agency in the preparation of the CHAS:

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

SECTION 1. The Louisiana Housing Finance Agency (the "Agency") is hereby authorized and directed to coordinate the research, analysis and activities necessary to prepare the Comprehensive Housing Affordability Strategy ("CHAS") for the state of Louisiana (the "state").

The Agency is further authorized and directed to coordinate the research, analysis and activities necessary to prepare the CHAS.

SECTION 2. Each department, agency, division and instrumentality of State government (individually, a "State Entity") is hereby authorized and directed to cooperate with the Agency in carrying out the provisions of the Executive Order. Each State Entity shall provide the Agency such information as the Agency may request.

SECTION 3. The Agency is authorized and directed to consult with HUD in the preparation of the State's CHAS and to formalize through a memorandum of understanding or other such document the relationship which will mutually serve the interest of the State and HUD in improving the housing conditions of Louisiana citizens and promoting com-

munity development.

SECTION 4. This executive order shall be effective on the date executed by the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 9th day of May, 1991.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Civil Service Civil Service Commission

At its regular meeting on June 5, 1991, the State Civil Service Commission adopted Emergency Rule 4.1(c)(7) according to Civil Service Rule 2.10(f), to be effective that same date. This rule will be proposed for regular adoption at the July 3, 1991 Commission meeting. The public hearing will begin at 8 a.m. in the Commission Hearing Room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, LA.

The emergency rule is as follows:

4.1 Classified and Unclassified Positions

(a) - (c) ...

(1) - (6) ...

(7) Members of the military or naval forces; including those employees in the Military Department of the state of Louisiana who are members of the Louisiana National Guard or Louisiana State Guard, either active or retired.

Explanation

When the Constitution changed in 1975, several phrases in the old Constitution were omitted in order to shorten the new Constitution. It does not appear that the new Constitution intended to change the nature of the unclassified service in the Military Department. To clearly distinguish the unclassified and classified service in the Military Department, this rule change amendment is necessary.

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

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Bulletin 741

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved as an emergency rule, the following amendment to Bulletin 741, Louisiana Handbook for School Administrators, Standard 1.015.03, as stated below:

1.015.03 — Each school system shall employ at least one school nurse certified by the BESE and shall not exceed a ratio of 3,700 students to one nurse.

Effective date of this emergency rule is July 1, 1991 and is adopted as an emergency in order for it to be in place for the beginning of the 1991-92 school year. The adoption of this rule will establish BESE policies in agreement with current legislative requirements.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendments to Bulletins 1508 and 1706

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved the following federally required amendments to Bulletin 1508, Pupil Appraisal Handbook and Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act including assurance statements for Fiscal Year 1992 as printed below. Effective date of this emergency rule is June 20, 1991.

Emergency adoption is necessary in order for the state to remain in compliance with Public Law 101-476, the Individuals with Disabilities Education Act (IDEA), and for continuing recipients to receive federal funds under IDEA.

Bulletin 1508 - Pupil Appraisal Handbook

Amend III. INDIVIDUAL EVALUATION H. Independent Individual Evaluation to read:

1.a. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system agrees with the parent.

d. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system disagrees with the parent but does not request a hearing.

Delete 2.b.(3) and renumber (4) to (3), (5) to (4), and (6) to (5).

Bulletin 1706 - Regulations for Implementation of the Exceptional Children's Act

Amend §431 A.1 to read:

A.1. A written request from a parent has been received.

Amend §504 B.1 to read:

B.1. If the parent gives written notice of disagreement

with the evaluation provided by the school system and the hearing officer determines that the school system's evaluation was inappropriate.

Amend §504 B.4 to read:

B.4. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system disagrees with the parent but does not request a hearing.

Delete §504 C.2.c

Amend §507 A.2 to read:

A.2. That it is unable to locate the parent or legal guardian by calls, visits, and by sending a letter by certified mail (return receipt requested) to the last known address of the parent or the legal guardian and allowing 20 operational days for a response of the intention to appoint a surrogate parent.

Delete §507 B and reletter C to B, D to C, E to D, F to E, and G to F.

Relletter §507 D.1., 2., and 3 to B.1., 2., and 3.

Delete Comment following §509 A.2.

Amend §511 F. to read:

F. The hearing decision must be reached and a copy of the decision mailed to each party and the department not later than 45 calendar days after the written request for a hearing unless a specific extension of time, requested by a party, is granted by the hearing officer for good cause. When an extension is granted, the hearing officer shall reach his decision and mail copies to the parties and the department not later than 10 operational days from the termination of the hearing. In each circumstance the department shall delete any personally identifiable information in the findings and decisions and transmit those to the State Advisory Council.

Amend §515 A.

A. The review and written findings and decision shall be completed and mailed to each of the parties with 30 calendar days after the receipt of a request for a review.

Delete §516 A.3.

Amend §516 B. to read:

B. Within 30 operational days from receipt of the request for a review by the office, the review panel will issue an independent written review decision which either affirms the decision, overrules the hearing decision and substitutes a decision approved by the review panel.

Amend §517 to read:

The decision made by the revision panel shall be final unless a party brings a civil action within 30 operational days of the decision. This timeline does not apply to federal court.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Definition of "Speech Therapy Program"
Bulletin 1706

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved a revised definition

for the term "Speech Therapy Program" in Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act, R.S. 17:1941 et seq.

Amend Section 984 to read: Speech Therapy Program is a service delivery pattern in which exceptional children receive speech/hearing/language intervention services as specified on the IEP when the speech disorder is identified according to Bulletin 1508.

This revision is necessary to make the definition consistent with the recently adopted handbook for related services, Bulletin 1879. Full implementation of Bulletin 1879 begins in August, 1991. Emergency adoption is necessary for implementation of Bulletin 1879 which must be in place by the opening of school in August, 1991. Effective date of emergency rule is June 20, 1991.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Bulletin 1882
Administrative Leadership Academy Guidelines

The Board of Elementary and Secondary Education, at its meeting of April 25, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved as an emergency rule, the following amendment to the Administrative Leadership Academy Guidelines, Bulletin 1882, under Academy Credit (Credit Requirements/Provisions):

Administrative Leadership Academy members are required to earn five credits in Leadership/Management training per five-year cycle. Those enrolled in the academy prior to July 1, 1991 shall be exempt from this requirement for their first five-year cycle.

Effective date of this emergency rule is July 1, 1991 and emergency adoption is necessary in order for the amendment to be in place for the beginning date (July 1, 1991) of the guidelines.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Model Career Options Program Guide

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved the Model Career Options Program (MCOP) Guide, Bulletin 1895 as an emergency rule, effective June 20, 1991.

The MCOP Guide will affect teachers who will be eligible to participate in the 1991-92 school year. The MCOP Guide needs to be distributed to the eligible teachers so they

will have essential information for implementation of the MCOP in the 1991-92 school year.

INTRODUCTION

Background

The Model Career Options Program (MCOP) reflects the thinking of many persons from Louisiana--those concerned with educating youth across the state and those involved in guiding educational policy at state and local levels. A series of education forums held across the state in 1988 examined the condition of public education. Recommendations made at those meetings resulted in H.B. 1747, Chapter 39, the Children First Act, the stated purpose (R.S. 17:3872) of which is:

"...to provide a unified, farsighted, and intense program of school improvement designed to center resources and effort on continually improving the quality in the public school classrooms in this state....it is in the classroom that teaching and learning occur and, therefore, this Chapter is designed....to put the children first."

One provision of the Act is the authorization of the creation, development and implementation of the Model Career Options Program (R.S. 17:3901-3905) the intent of which is to retain competent, effective and experienced teachers in public elementary and secondary school classrooms. Resources are to be focussed on "providing additional compensation to eligible teachers who undertake expanded duties." The MCOP legislation as contained in the Acts of the Legislature, Act 659, Subpart C is reproduced in Appendix A.

Assumptions

Certain key assumptions which underlie the conceptualization of the MCOP are as follows:

- Retention and motivation of highly qualified teachers will upgrade faculty performance, which in turn will upgrade the quality of student learning opportunities and subsequently the level of student achievement;
- Career options can be developed that will contribute to the attainment of the explicit and implicit program goals of retention of highly qualified teachers, raising of faculty morale, rewarding of meritorious services, and provision of valuable services to schools and school systems through the most effective use of available teacher talents; and
- The program must ensure access by the entire teaching force with eligibility criteria potentially attainable by all.

Purpose of the Model Career Options Program

R.S. 17:3901 states the purposes of the MCOP as follows:

- to provide an opportunity for the teachers of this state to expand their professional horizons and explore new avenues in their roles as educators;
- to provide teachers with meaningful career advancement;
- to provide teachers with salary enhancements that reflect meritorious performance and advancement; and
- to provide to school systems additional services based on an expanded use of the talent of teachers.

Through the MCOP, teachers will be recognized and rewarded for superior classroom performance. They will be able to receive additional pay for additional work. They will have increased opportunities to experience varied responsibilities and to share in the leadership of improving instruction within their respective schools and school districts.

While teachers in public elementary and secondary schools are the target population for this component of the children first program, the ultimate beneficiaries will be the students, since they will be the actual recipients of the enhanced learning opportunities.

MODEL CAREER OPTIONS PROGRAM AND GUIDELINES Overview

Creating a workable career options model and developing policies and guidelines to meet effectively the purposes of the Model Career Options Program (MCOP) as intended by the children first act was a complex task. Career option models and job enlargement programs for teachers in other states were carefully researched and a workable model was defined. The program and guidelines that are summarized in this document were defined by taking into consideration successful components and strategies of career models from other states, the results of the 1989-90 and 1990-91 MCOP pilots and the concerns and needs of teachers, administrators, students and the public.

The MCOP legislation mandates the creation of a statewide MCOP advisory committee by the Department of Education (LDE) to advise on the development and implementation of the MCOP. The composition and the manner of selection of the statewide MCOP advisory committee are stated in R.S. 17:3903 as follows:

The advisory committee shall be appointed after receiving nominations from the professional organization listed in this paragraph and shall consist of but not be limited to one member from each such professional organizations.

Louisiana Federation of Teachers
Louisiana Association of Educators
Louisiana Association of School Executives
Louisiana Association of Principals
Louisiana School Boards Association
Louisiana School Superintendents
Louisiana School Supervisors Association
Louisiana Department of Education
Associated Professional Educators of Louisiana

Louisiana Chapter of the National Association for the Advancement of Colored People
The State Parent Teacher Association

The statewide MCOP advisory committee has met regularly to guide the development of the MCOP and will continue to advise on the MCOP implementation.

Three categories of career options have been established. For each year that an eligible teacher elects to participate in MCOP, he/she may choose a specific career option for a given fiscal year and receive additional compensation for his/her participation. An overview of the options follows; a more comprehensive description of the career options and specific MCOP teacher involvement opportunities are included later. The three options are as follows:

Career Option One: Teacher-to-Teacher Interaction

The MCOP teacher works with other teachers in one of two ways.

- The MCOP teacher, in a mentor role, assists a new teacher. The intent is to capitalize on the knowledge and expertise of experienced teachers to nurture, guide, assist and support teachers entering the profession.

- The MCOP teacher, in a peer consultant role, works with experienced teachers. The intent is to address a broad range of teacher needs on a request basis.

Career Option Two: Teacher-to-Student Interaction

The MCOP teacher provides supplemental instructional programs for students, i.e., enrichment or remediation.

Career Option Three: Teacher-to-School/School District

The MCOP teacher works with faculty within one or more given schools or at a school district level in one of two ways.

- The MCOP teacher, in a staff developer role, facilitates the growth of professional knowledge/skills of faculty.
- The MCOP teacher, in a curriculum developer role, works to enhance the coordination and enrichment of curricula within a school or school district.

Teacher Eligibility Requirements

R.S. 17:3902 states that any teacher who meets the following eligibility requirements may participate in the MCOP:

- Holds a valid renewable professional certificate, as provided in R.S. 17:3891 (A)(2);
- Has not less than seven years of teaching experience;
- Holds at least a master's degree; and
- Had a superior evaluation on his most recent evaluation pursuant to R.S. 17:3881-3887, i.e., the statewide teacher evaluation program.

R.S. 17:3903 also requires that:

- A participating teacher...continues to be classified as a teacher.

Participation is on a voluntary basis. In order to be considered for MCOP participation, a teacher who meets the eligibility requirements must indicate a desire to participate in MCOP for a given school year by the beginning of that school year. The MCOP intent to participate form is located in Appendix B. The eligible teacher will have the opportunity to participate in MCOP each school year during the span of time, i.e., five years, indicated on the renewable professional certificate issued by the LDE Bureau of Teacher Certification at the conclusion of the teacher's most recent state teacher evaluation.

Procedures for Teachers without a Master's Degree or Seven Years Teaching Experience

Current MCOP teacher eligibility requirements are defined in R.S. 17:3902-3903; actual MCOP implementation is contingent upon both the content of the MCOP legislation and final budgeted amounts determined by the legislative process. In some instances teachers may not have the necessary years of teaching experience or meet the minimum degree requirements at the outset of the MCOP implementation cycle. The following procedures deal with these situations:

Teachers without a master's degree. A teacher who holds a valid renewable professional certificate, has at least seven years of teaching experience and has a superior rating on his/her most recent state teacher evaluation, but has not yet received a master's degree, may choose to participate in MCOP after receiving a master's degree if that occurs within the time frame of his/her most recent renewable professional certificate. When an official transcript indicating the awarding of the master's degree has been received in the LDE Bureau of Teacher Certification, the teacher is eligible to participate in MCOP during the following school year. The teacher must indicate his/her willingness to participate in MCOP by the start of the following school year. If the master's degree is

awarded during the summer, the teacher has the responsibility of notifying the LDE Bureau of Professional Accountability of his/her intent to participate in the MCOP before the start of the following school year.

Teachers without seven years of teaching experience. A teacher who holds a valid renewable professional certificate, holds at least a master's degree, has a superior rating on his/her most recent state teacher evaluation, but does not yet have the prerequisite seven years of teaching experience, may choose to participate in MCOP after he/she has completed the seven years of teaching experience if that occurs within the time frame of his/her most recent renewable professional certificate. In-state as well as out-of-state and private school teaching experience count toward the seven-year requirement. The teacher's LEA personnel office will verify the number of years of actual teaching experience. After verification of seven years of teaching experience, the teacher is eligible to participate in MCOP at the start of the school year commencing the teacher's eighth year of teaching. The teacher has the responsibility of notifying the LDE Bureau of Professional Accountability of his/her intent to participate in the MCOP before the start of the following school year.

Teacher Selection of Model Career Options

Every local public school superintendent, school principal and eligible MCOP teacher will receive a copy of the model career options program guide, which describes all the career options. The MCOP teacher will select a career option in consultation with his/her local school principal or central office personnel. The MCOP career option selection form is located in Appendix C. The MCOP teacher's choice of Career Option will be honored unless the option is not available, e.g., the MCOP teacher may not be a mentor because no new teacher is assigned to the school. This process assumes that:

- Each career option is of the same value and weight as any other career option since no hierarchy is established;
- The process of involving individuals in the selection of and carrying out of a career option will foster a sense of ownership and promote teacher professional growth; and
- Teachers will self-select those career options in which they have expertise. The nature and scope of career option involvement will evolve as teachers take on leadership roles and use the expertise they have gained.

The process of selecting a career option by the MCOP teacher will be guided by the stated purpose of the Children First Act to concentrate "resources on improving the quality in the public school classroom." Specific criteria for the selection are:

The career option should be professionally/personally satisfying to the MCOP teacher; and

The specific MCOP involvement should contribute to the accomplishment of either school-based or district-level goals and ultimately to the increased achievement of students.

The MCOP teacher will participate in the chosen career option for the entire school year. The MCOP teacher may, due to extenuating circumstances, discontinue MCOP participation during the school year. If this occurs, the school principal and LEA MCOP contact person must be notified, and compensation will be prorated for the period of actual participation. The Termination of MCOP Participation Form is located in Appendix D. The MCOP teacher may select a dif-

ferent career option during the school year due to extenuating circumstances only. To gain permission to change an option, a petition must be submitted to the school principal and the LEA MCOP contact person and forwarded to the statewide MCOP advisory committee for approval. The statewide MCOP advisory committee will respond within 30 working days of receipt of the petition. The MCOP Teacher Petition Form is located in Appendix E.

Availability of Career Options

In some instances the first career option choice of the MCOP teacher may not be available in a school, e.g., a teacher may not have a mentor option because no new teacher is assigned to the school. The teacher then selects another career option. In other instances, more than one eligible teacher may want the same career option, e.g., two teachers want to be a mentor and only one new teacher is assigned to the school. Through a negotiation process the teachers and the principal in his/her role as school instructional leader will attempt to resolve the conflict. The purpose of the Children First Act should be kept foremost in mind when trying to reach an equitable decision. If a conflict persists despite the best efforts of all involved persons, a petition may be submitted to the school principal and the LEA MCOP contact person and forwarded to the statewide MCOP advisory committee for resolution of the dilemma. The statewide MCOP advisory committee will respond within 30 working days of receipt of the petition. The MCOP Teacher Petition Form is located in Appendix E.

Descriptions of the Model Career Options

Any specific MCOP-related activities involving the MCOP teacher should be designed in intent and implementation to supplement rather than supplant the LEA's regular school offerings. For example, the MCOP teacher may work in a mentor role in the LEA if that position would ordinarily not be authorized and funded with LEA funds. Similarly the MCOP teacher may provide instructional programs for students during an extended school day if that instruction supplements rather than supplants LEA instructional programs.

Specific information about each career option is presented. Job descriptions corresponding to the options are located in Appendix F.

Career Option One: Teacher-to-Teacher Interaction

Mentor Teacher

The MCOP teacher works in the role of a mentor. A mentor is an exemplary experienced teacher who provides personal support, technical assistance and guidance for an intern, i.e., a teacher with less than 90 days actual classroom teaching experience. The intern voluntarily agrees to work in the mentoring relationship. When possible, a mentor and an intern are matched by grade level and subject matter expertise. The mentor is neither an evaluator nor a supervisor, but rather offers the intern opportunities to share and to learn with an experienced colleague. The exchange between the mentor and the intern is confidential; information shared between them is not to be used in any formal evaluation.

It is the job of the mentor to provide support and collegiality while helping the beginning teacher learn the "ropes" in the complex art and science of teaching. Important areas in which the mentor extends assistance to the intern include the following:

- personal support - offers guidance and feedback; encourages the intern's efforts to try his/her own ideas;
- technical assistance - helps the intern with planning

for teaching, classroom and behavior management, ways to enhance teaching/learning of students and may conduct informal classroom observations;

professional development - shares information about resources and opportunities for professional involvement.

Peer Consultant

The MCOP teacher works in the role of a peer consultant with experienced teachers to offer on-site assistance and collaboration. Typically the MCOP teacher works with more than one experienced teacher who voluntarily agrees to work with the MCOP teacher. Professionals work together with the goal of refining or acquiring teaching strategies and applying them effectively in teaching and learning situations. The peer consultant is neither an evaluator nor a supervisor. The exchange between the peer consultant and the experienced teacher is confidential; information shared between peers is not to be used in any formal evaluation. A supportive and positive working relationship must exist between peers so that educators may work together to accomplish particular goals.

Functions related to the work of a peer consultant include the following:

- resource linker - linking teachers with common interests or needs, locating or developing materials;
- facilitator - collaborating with a single teacher or several teachers on expanding their repertoire of teaching/content strategies and classroom management ability; and
- colleague/coach - working cooperatively through modeling a given teaching strategy and participating in the pre-conference goal setting/observation/conference and feedback cycle of the coaching process with a peer.

The process of peer consulting may occur at the initiation of another teacher in conjunction with the statewide teacher evaluation program or after any staff development training.

Career Option Two: Teacher-to-Student Interaction

The MCOP teacher provides supplemental instructional programs for students either outside of scheduled class time during the school day (beyond the regular teaching load) or for an extended school day, i.e., before or after school; school week, i.e., Saturday; or year, i.e., summer. The content focus of the instruction may be either enrichment or remediation and should be based on identified high priority student needs.

Each LEA must submit a plan for the MCOP teachers' supplemental instructional program either outside of scheduled class time during the school day (beyond the regular teaching load) or in the extended school day, week or year format to the LDE. This LEA plan must be submitted for approval to the LDE 30 days prior to its implementation. The plan will include proposals describing the proposed instructional program(s).

It is expected that all proposals will include information for the following:

Rationale: reasons for offering the program as determined by a needs assessment;

Program goals and objectives: general statements of purpose and measurable outcomes with a specified time frame;

Program activities: description of selected activities which have the greatest potential for achieving the objectives;

Target Population Description: description of who will

receive the instruction;

Personnel needs: identification of the MCOP teacher(s);

Evaluation criteria: information about how and when the program will be evaluated.

Sample Activities for the Supplemental Instruction

The following ideas are examples of instructional situations that could be funded through Career Option Two. These involve the MCOP teacher offering supplemental instruction to students:

- Enrichment programs and projects for all students, e.g., a writer's workshop, an environmental education program;
- Enrichment programs for gifted students, e.g., computer education;
- Remediation programs and projects for all students according to their needs, e.g., algebra reinforcement;
- Pre-kindergarten and pre-first grade readiness programs;
- Enrichment or remediation programs in day-care centers operated by the local school district;
- Programs which provide high school students with job-related literacy training; or
- Instructional programs for college entrance exams.

In keeping with the intent of the Children First Act, every supplemental instructional program should be designed and directed toward improving the quality of teaching and learning in the public school classrooms in Louisiana.

Career Option Three: Teacher-to-School/School District Staff Developer

The MCOP teacher works in the role of a staff developer within one or more given schools, at a school district level or at a statewide level. The purpose of this role is to facilitate the growth of professional knowledge/skills of faculty so that instructional programs may be strengthened. The staff developer works with the principal, supervisors and faculty to determine appropriate programs that reinforce school improvement goals.

The following ideas illustrate staff development activities that could incorporate the talents of the MCOP teacher:

- Arrange for and conduct training sessions on a variety of teaching models or educational initiatives for faculty and staff, e.g., teaching as an interactive process;
- Arrange for and conduct workshops that keep teachers informed about their disciplines and about discipline-specific approaches to teaching, e.g., reading comprehension strategies in content areas;
- Arrange for and coordinate staff development meetings for MCOP teachers within the LEA;
- Arrange for and offer inservice sessions on the assessment instrument used in the statewide teacher evaluation program and on effective teaching-learning strategies that increase the likelihood of active student involvement in learning;
- Arrange for and offer teacher and staff training on developing critical thinking abilities of students;
- Conduct orientation activities related to new instructional programs and methods of instruction or grouping, e.g., new science program, cooperative learning;
- Arrange for and teach workshops on a variety of "how to" topics, e.g., how to care for and use audiovisual equipment and materials, how to use a personal computer;
- Work with teachers to improve classroom manage-

ment procedures, to form learning groups, and to use time-saving instructional techniques and materials;

• Work with teachers and administrators to plan for regular monitoring and assessment of individual student performance; or

• Conduct parent workshops to increase parent support of and knowledge about school programs.

Curriculum Developer

The MCOP teacher works in the role of curriculum developer within one or more given schools, at a school district level or at a statewide level. The purpose of this role is to enhance the coordination, development and enrichment of curricula. The work of the curriculum developer complements and assists that of the principal and supervisors.

The following ideas illustrate curriculum development activities that could incorporate the talents of the MCOP teacher:

- Coordinate across-grade-level planning to promote appropriate sequencing of learning activities and level of learning required of students;
- Prepare new teacher orientation materials, e.g., survival kits;
- Prepare demonstration units for developing student thinking skills;
- Prepare curriculum updates or practical ways to incorporate sound educational practices within the classroom; or
- Develop content for parent involvement activities.

Release Time Policy/Extended Work Day or Year Policy

R.S. 17:3903 includes the following requirement regarding release time for the MCOP teacher and the provision for an extended work day or work year:

"Each such option shall be developed so that a participating teacher continues to spend at least sixty percent of classroom hours at his regular teaching assignment...The model, however, may provide for an extension of the teacher's normal work day or work year."

Therefore, MCOP teachers may be, but are not required to be, released for up to forty percent of the classroom hours of a regular teaching assignment to participate in career options. The MCOP allows for up to forty percent release time, but the options do not necessarily have to include release time. Authorization is also provided for the MCOP teacher to enter into an extended school day, week or year arrangement in order to participate in career options. The school principal or central office personnel will approve the release time and/or extended school day, week or year schedule for the MCOP teacher.

Release Time Possibilities

At times it is beneficial for the MCOP teacher to work directly with other teachers during classroom hours, and provision for substitute teachers may not be available. Some scheduling options that allow for release time and that rely on cooperative planning efforts of other school personnel follow:

- School administrators, i.e., the principal and/or assistant principal, may make arrangements for release time through use of a school-based substitute teacher or may teach a class for the MCOP teacher;
- College of Education faculty may teach a class; such faculty members may be a member of the support team for the intern teacher;
- At the beginning of the school year the scheduling

of planning periods could be coordinated to allow greater opportunity for teachers to collaborate;

- While enrichment/ancillary teachers, i.e., music, foreign language, guidance counselor, physical education, art, Chapter I, are working with the MCOP teacher's class, the MCOP teacher is available to assist another teacher;

- Reciprocal, flexible grouping arrangements between classrooms could permit an occasional open period for a given teacher; or

- During his/her designated planning/preparation period the MCOP teacher could work with another teacher in the elementary, middle or high school level. The MCOP teacher would have to plan or complete work for his/her own class after the regular school day.

Extension of the MCOP Teacher's Work Day or Work Year

MCOP teacher involvement in career option one, i.e., mentor or peer consultant role, assumes that the MCOP teacher will assume extra duties/responsibilities during and beyond the regular school day, school week or school year. This would result in an extension of the teacher's regular school day. For example, a mentor might confer with an intern during a planning period; the mentor then would have to plan for his/her own class after the regular school day. Or a mentor might confer with an intern after the end of the regular school day.

MCOP teacher involvement in career option two, i.e., teacher-to-student interaction, will require the scheduling of the supplemental instruction during and beyond the regular school day, the school week or the school year. For example, during a teacher's planning period, he/she might schedule a study skills course. Whenever the instruction is offered, it must be supplemental and not supplant other course offerings.

MCOP teacher involvement in Career Option Three, i.e., staff developer or curriculum developer, assumes extra duties/responsibilities during and beyond the regular school day, school week or school year. This may occur on a scheduled basis beyond the regular school day, the school week or the school year. For instance, staff development services may be offered during a block of time outside regular classroom hours and in the summer.

Compensation

R.S. 17:3904 addresses the topic of compensation for the MCOP teacher as follows:

A. Each teacher who participates in the program provided in this Subpart shall receive additional compensation to be paid by the state....

B. The compensation required in Subsection A of this Section shall be in an amount equal to not less than ten percent of the amount such teacher receives as minimum salary from the state nor more than twenty percent of such amount.

C. Such additional compensation shall be paid to a teacher only for the time he participates in this program and no obligation to continue to pay such additional compensation shall extend beyond such participation whether termination of participation is caused by the teacher or some other cause.

The assumptions which govern the configuration of the compensation plan are:

- MCOP provides a vehicle for teachers to attain greater professionalism through exploring new avenues in education;

- For the additional professional duties which they assume, MCOP teachers should receive additional compensation;

- An increase in professional opportunities and teacher recognition is related to an increase in teacher satisfaction;

- The concept of job enlargement provides extra pay for extra work; greater professionalism rather than job standardization is the focus of MCOP effort; and

- Every career option specifies a professional task to be done that is not typically assigned to a given teaching position, e.g., mentor teacher, building-based staff developer.

An appropriation request for the MCOP is submitted annually to the Louisiana legislature for funding consideration. The final MCOP appropriation will be determined by the legislature, with the substance and form of the MCOP teachers' contracts reflecting the available funds. The parameters of the MCOP compensation plan are as follows:

- Compensation of all MCOP teachers will be uniform for all career options. The amount will be contingent upon legislative allocations. A minimum of 100 hours of MCOP teacher involvement is required.

- As stated in the MCOP law, compensation for MCOP teacher participation will be in an amount equal to not less than ten percent of such teacher's state minimum salary nor more than 20 percent of such amount. State Minimum Salary Schedule Current Act 659 Year 3 (Appendix G), contains the state minimum salaries for fiscal year 1991-92. For example, at 10 percent a teacher with ten years of experience and a master's degree would be paid \$1968.90 additional MCOP compensation in fiscal year 1991-92. At 15 percent a teacher with ten years of experience and a master's degree would be paid \$2953.35 additional MCOP compensation in fiscal year 1991-92. At 20 percent a teacher with ten years of experience and a master's degree would be paid \$3937.80 additional MCOP compensation in fiscal year 1991-92;

- The MCOP compensation will cover payment not only for MCOP direct services, but required attendance at MCOP staff development;

- If funds are available from the legislature for the MCOP, the employer's portion of the contribution to the teacher's retirement fund will be provided to the LEAs;

- If additional appropriations are made available from the legislature for the MCOP, the funds will be used appropriately towards expenses related to the implementation of given career options. For example, in Career Option One, a need may exist for release time. The additional money could be used to pay the salary of a substitute teacher or, if the MCOP teacher's class is combined with another teacher's class, to pay the other teacher for the additional class. In Career Option Two, a need may exist for the purchase of instructional materials or expenses related to field trips; and

- In fiscal year 1991-92 each LEA will enter into a contract with the LDE for the compensation of each MCOP teacher within the LEA. Monies will be received by the LEAs and distributed to individual MCOP teachers based upon the actual schedule for the delivery of MCOP services by the MCOP teacher.

Time Line for Implementation of MCOP in Fiscal Year 1991-92

In order to assure effective implementation of MCOP in fiscal year 1991-92 and annually thereafter, the following

time lines need to be followed:

June, 1991: Every eligible MCOP teacher receives a copy of the MCOP Guide;

Between June-July, 1991: Every eligible MCOP teacher decides whether or not to participate in MCOP (See Appendix B: Eligible Teacher's Intent to Participate Form);

MCOP teacher informs his/her LEA MCOP contact person of intent to participate in MCOP no later than July 8, 1991; the LEA MCOP contact person notifies the principal;

MCOP teacher intent to participate is sent to the LDE from the LEA no later than July 12, 1991;

August, 1991: MCOP teacher orientation is offered in each of the eight regional service centers;

August, 1991-January, 1992: The LEA's career option two instructional program is submitted for approval to the LDE 30 days prior to its implementation;

By September 6, 1991: The MCOP teacher in consultation with his/her principal or central office personnel selects a specific career option in which to participate (See Appendix C: Career Option Selection Form);

Career option choices from the LEA are sent to the LDE;

By September 13, 1991: This date is the last opportunity for the MCOP teacher with the approval of only the principal to change a career option;

Two Saturdays in September, October, 1991: Mandated staff development for career options one and three teachers is held in each of the eight regional service centers;

January, 1992: A mid-year MCOP teacher meeting is held in each of the eight regional service centers;

May, 1992: An end-of-year MCOP teacher meeting is held in each of the eight regional service centers.

MODEL CAREER OPTIONS PROGRAM EVALUATION

The essence of the MCOP is the provision for recognizing and rewarding teachers for meritorious performance through their participation in available career options. The delivery of the MCOP must be carefully examined on a consistent basis to assure that it is truly instrumental in carrying out its established purposes. The evaluation strategy will assess the delivery of the MCOP at the LEA level and the impact the program has upon strengthening education and motivating educators.

LEA Evaluation

The LEA MCOP contact person will have the responsibility for maintaining accurate records about MCOP participants, e.g., MCOP teacher and career option involvement. He/she will also review and compile information from local schools regarding the use of the MCOP teachers. This information will be forwarded to the LDE for incorporation in an annual report to be submitted to BESE and to the Legislature.

Since the MCOP teachers demonstrated superior performance on the statewide teacher evaluation, it is assumed that they embody the highest standards of professionalism. The MCOP teachers are assigned to a local school; they are evaluated by the local school principal under the provisions of Act 621, R.S. 17:391.5, the Personnel Evaluation Program. Therefore, their career option involvement will come under the supervision of the local school principal.

LDE Monitoring

The MCOP staff of the LDE will routinely monitor the program carried out by the MCOP teachers in local school

systems. These efforts will focus on determining compliance with MCOP guidelines and with specified record keeping requirements. Each MCOP teacher will be required to maintain a log of ongoing MCOP activity involvement. Appendix H contains examples of logs for career options one and three. Career option two teachers will maintain a log of their pupil contact hour. The school principal's signature will be required on each log. The log will then be sent to the LEA MCOP contact person at the end of each month. The LDE will periodically monitor the logs.

Program Impact Evaluation

The overall statewide impact of the MCOP will be evaluated to assess accomplishment of the goals and purposes established in law and policy. The LDE will develop a set of evaluative requirements and contract with a third party to design and conduct an evaluation study to assess the overall impact of the program on the state. The MCOP results and evaluation will be shared with LEAs, the BESE, the legislature and interested citizens.

GLOSSARY OF TERMINOLOGY

The definitions in this glossary apply to the listed items as they are used in the Model Career Options Program Guide.

Career Option: an identified MCOP teacher area of involvement that is designed to provide an opportunity for the MCOP teacher to expand his/her professional horizons and explore new avenues as an educator.

Coach: a teacher who facilitates growth of colleagues through a problem-solving, reflective process.

Coaching: on-site faculty development to improve instructional skills through a process of sharing, observing, modeling and conferencing.

Compensation: additional money paid by the state to eligible teachers who choose to participate in the MCOP; such additional money is in an amount equal to not less than 10 percent of the teacher's minimum salary from the state nor more than 20 percent of such amount with the exact percent to be decided annually according to the final budgeted amount determined by the legislative process.

Curriculum Developer: the MCOP teacher role designed to enhance the coordination, development and enrichment of curricula.

Extended School Day: the part of a day occurring before or after the regular school day as defined in the LEA's policies or regulations.

Extended School Week: the part of a week occurring after the regular school week as defined in the LEA's policies or regulations.

Extended School Year: the part of a year occurring after the regular school year as defined in the LEA's policies or regulations.

Extenuating Circumstances: acceptable grounds for the MCOP teacher to select a different career option during the school year or to discontinue participation in MCOP during the school year; such grounds refer to circumstances over which the MCOP teacher has no control and may (but not necessarily) include the following:

a. Sabbatical leave

b. Leaves of absence: personal illness; personal leave; military duty; jury duty; or maternity leave

c. Personal illness or serious injury

Fiscal Year: the period of time from July 1 of a given year through June 30 of the following year.

Intern Teacher: a beginning teacher who is employed

in a Louisiana public school system with less than 90 days of teaching experience.

LDE: the Louisiana Department of Education.

LEA: local education agency.

MCOP: the Model Career Options Program mandated by the Children First Act of 1988.

MCOP Contact Person: the LEA central office level person designated by the LEA superintendent with the responsibility of facilitating the MCOP implementation within the LEA.

MCOP Staff Development: a mandated staff development program for MCOP teachers participating in career options one and three.

MCOP Teacher: a full-time teacher who meets all of the following requirements as defined in R.S. 17:3902, i.e., holds a valid renewable professional certificate, has not less than seven years of teaching experience, holds at least a master's degree, and had a superior evaluation on his most recent statewide teacher evaluation; and who volunteers to participate in MCOP.

Mentor: the MCOP teacher role in which personal support, technical assistance and guidance are offered to an intern teacher.

Peer Consultant: the MCOP teacher role in which on-site assistance and collaboration are offered to experienced teachers.

Petition: a written request submitted by the MCOP teacher to the statewide MCOP advisory committee either: 1) to resolve a situation in which more than one MCOP teacher wants to participate in the same career option and only one MCOP teacher is able to participate; or 2) to approve a request to select a different career option during the school year.

Renewable Professional Certificate: a certificate issued to a teacher whose assessment rating is satisfactory or superior; the certificate is valid for five years.

SBESE: the State Board of Elementary and Secondary Education.

Staff Developer: the MCOP teacher role in which the professional knowledge/skills of faculty are enhanced so that instructional programs may be strengthened.

Statewide MCOP Advisory Committee: an advisory committee mandated in Subpart C. Model Career Options, the Children First Act, comprised of representatives from eleven Louisiana professional organizations whose responsibility it is to advise on the development and implementation of the MCOP.

Superior Rating: the assessment rating issued to a teacher whose statewide teacher evaluation exceeds satisfactory standards of performance based on pre-established standards for rating.

Supplant: the services provided by the MCOP teacher are not to take the place of the regular services normally provided by an LEA.

Supplement: the services provided by the MCOP teacher are to be in addition to the regular services normally provided by an LEA.

Teacher: an employee of an LEA who is engaged to directly and regularly provide instruction to students in any elementary, secondary or special education school setting (including a librarian, an assessment teacher, a speech therapist and a counselor), who is not an administrator or supervisor and who holds a Louisiana teaching certificate.

Teacher's Work Day: the regular school day as defined in the LEA's policies or regulations.

Teacher's Work Week: the regular school week as defined in the LEA's policies or regulations.

Teacher's Work Year: the regular school year as defined in the LEA's policies or regulations.

Appendix A
Acts of the Legislature
Act 659, Subpart C

MODEL CAREER OPTIONS

§3901. Purpose

It is the purpose of this Subpart.

(1) To provide an opportunity for the teachers of this state

Act 659

to expand their professional horizons and explore new avenues in this roles as educators.

(2) To provide teachers with meaningful career advancement.

(3) To provide teachers with salary enhancements that reflect meritorious performance and advancement.

(4) To provide to school systems additional services based on an expanded use of the talent of teachers.

§3902. Eligibility

Any teacher who meets all of the following requirements may participate in the program created in this Subpart:

(1) Holds a valid renewable professional certificate, as provided in R.S. 17:3891(A)(2).

(2) Has not less than seven years of teaching experience.

(3) Holds at least a master's degree.

(4) Had a superior evaluation on his most recent evaluation pursuant to Subpart A of this Part.

§3903. Model Career Options Program; Department of Education; State Board of Elementary and Secondary Education

A. The department shall develop, pilot, and implement the Model Career Option Program. Such program shall be fully implemented on a statewide basis only after it has been approved by the board.

B. The department shall:

(1) Develop and pilot model career options, which may include such activities as serving as an evaluator, being a mentor-teacher, providing in-service training programs, or creating curricular materials. Career option models from other states are to be researched, evaluated, and incorporated whenever appropriate. Each such option shall be developed so that a participating teacher continues to spend at least sixty percent of classroom hours at his regular teaching assignment and continues to be classified as a teacher. The model, however, may provide for an extension of the teacher's normal work day or work year.

(2) Develop and distribute to each local board a model career options guide as a compendium describing all career options developed and piloted by the department and approved by the board from which local boards, the schools within their jurisdictions, and participating teachers may select model career options.

(3) Develop a mechanism for assessing the usefulness and effectiveness of the program created in this Subpart and, after approval by the board, implementing such assessment.

C. The board shall:

(1) No later than September 15, 1988, create a Teacher Model Career Options Committee to advise on the develop-

ment and implementation of the model career options program. The advisory committee shall be appointed after receiving nominations from the professional organization listed in this Paragraph and shall consist of but not be limited to one member from each such professional organizations.

- (a) Louisiana Federation of Teachers.
- (b) Louisiana Association of Educators.
- (c) Louisiana Association of School Executives.
- (d) Louisiana Association of Principals.
- (e) Louisiana School Boards Association.
- (f) Louisiana School Superintendents.
- (g) Louisiana School Supervisors Association.
- (h) Louisiana Department of Education.
- (i) Associated Professional Educators of Louisiana.
- (j) Louisiana Chapter of the National Association for the Advancement of Colored People.
- (k) The State Parent Teacher Association.

(2) Review and approve, modify, or reject all recommendations of the department relative to the program created in this Subpart.

(3) Cause all pertinent information, particularly including schedules for implementation, to be communicated to all local boards and participating teachers.

(4) Report to the legislature on the progress of this program.

§3904. Model Career Options Program; compensation

A. Each teacher who participates in the program provided in this Subpart shall receive additional compensation to be paid by the state. The amount of compensation shall be recommended by the department and approved by the board as a part of the development of this program.

B. The compensation required in Subsection A of this Section shall be in an amount equal to not less than ten percent of the amount such teacher receives as minimum salary from the state nor more than twenty percent of such amount.

C. The additional compensation provided for in this Section shall not affect the teacher's entitlement to his regular salary and any increases in it, and any other compensation supplements due him. Such additional compensation shall be paid to a teacher only for the time he participates in this program and no obligation to continue to pay such additional compensation shall extend beyond such participation whether termination of participation is caused by the teacher or some other cause.

§3905. Implementation

The implementation of the provisions of this Subpart requiring the department and the board to undertake duties related to preparing this program for full implementation shall begin upon the effective date of this Chapter. The implementation of this program and the payment of compensation shall begin with the 1991-1992 school year as to all teachers evaluated during the previous year pursuant to Subpart A of this Part who received a superior evaluation and are eligible to and wish to participate. Thereafter, as teachers become eligible and wish to participate, this program shall be implemented as to them.

Appendix B
LOUISIANA DEPARTMENT OF EDUCATION
MODEL CAREER OPTIONS PROGRAM
ELIGIBLE TEACHER'S INTENT TO PARTICIPATE FORM

This form must be submitted to the local education agency Model Career Options Program (MCOP) contact person of the teacher who is eligible to participate in the MCOP no later than July 8, 1991.

This form must be submitted to the Louisiana Department of Education, Bureau of Professional Accountability, no later than July 12, 1991.

I. To be filled in by Model Career Options Program (MCOP) teacher (print or type).

NAME			
Last	First	Middle	Social Security #
Position		Yrs. Experience	
Local School System		Name of School	
School Address		City	State Zip Code
School Telephone Number		Area Code	Number
Home Mailing Address		City	State Zip Code
Home Telephone Number		Area Code	Number

This is to indicate my intent to participate in the MCOP during the 1991-92 school year. I realize that the MCOP teacher orientation will be held during August, 1991. After the orientation session I will have an opportunity to select the specific Career Option in which to participate.

Signature of Eligible MCOP Teacher Date

II. To be completed by Local School District.

(Optional) Signature of Principal Date

Signature of MCOP Contact Person Date

Appendix C
LOUISIANA DEPARTMENT OF EDUCATION--MODEL CAREER OPTIONS PROGRAM
CAREER OPTION SELECTION FORM

This form must be submitted to the Louisiana Department of Education, Bureau of Professional Accountability, no later than September 6, 1991.

I. To be filled in by Model Career Options Program (MCOP) teacher (print or type).

NAME			
Last	First	Middle	Social Security #
Position		Yrs. Experience	
Local School System		Name of School	
School Address		City	State Zip Code
School Telephone Number		Area Code	Number
Home Mailing Address		City	State Zip Code
Home Telephone Number		Area Code	Number

During the 1991-92 school year I will participate in the one (1) Career Option as indicated with a check () below:

Career Option One: Mentor _____ Peer Consultant _____	Career Option Two: Supplemental Instruction _____
Career Option Three: Staff Developer _____ Curriculum Developer _____	

Signature of MCOP Teacher Date

II. To be completed by Local School District.

Signature of Principal Date

Signature of MCOP Contact Person Date

Appendix D
MODEL CAREER OPTIONS PROGRAM
TERMINATION OF MCOP PARTICIPATION FORM

I. To be filled in by Model Career Options Program (MCOP) teacher (print or type).

Name _____
 Social Security Number _____
 School _____
 Parish (LEA) _____
 Principal _____
 Career Option in which I participated _____

 Reason for termination in MCOP _____

 Date of termination in MCOP _____

This is to indicate that I will no longer participate in the MCOP during the 1991-92 school year. I acknowledge that my MCOP compensation will be prorated for the period of my actual MCOP participation.

 Signature of MCOP Teacher Date

II. To be completed by Local School District.

 Signature of Principal Date

 Signature of MCOP Contact Person Date

Please forward to: Model Career Options Program
 Bureau of Professional Accountability
 Louisiana Department of Education
 P.O. Box 94064
 Baton Rouge, Louisiana 70804-9064

Appendix E
MODEL CAREER OPTIONS PROGRAM TEACHER PETITION FORM

I. Identification Information

Name _____
 Social Security Number _____
 School _____
 Parish (LEA) _____
 Principal _____
 Date _____

II. Area of Concern - fill in either A or B.

- A. Availability of Career Option Conflict:

 B. Request to Change Career Option Reason:

Impact of change:

III. Requested Resolution
 Career Option requested:

 Signature of Teacher Date

 Signature of Principal Date

 Signature of LEA MCOP Contact Person Date

Please forward to: Model Career Options Program
 Bureau of Professional Accountability
 Louisiana Department of Education
 P.O. Box 94064
 Baton Rouge, Louisiana 70804-9064

Appendix F
Job Description

Career Option One: Mentor Teacher

Purpose: The mentor teacher provides direct assistance and support to one or more first-year teachers (interns). As a result, the intern is helped to become more effective in the teaching role.

Illustrative Tasks:

1. Meet with the intern to discuss local procedures on grading, student behavior management, parent conferences, etc.;
2. Demonstrate/model sound teaching techniques and discuss same with the intern;
3. Observe the intern teaching and provide feedback on performance;
4. Guide the intern to resources for improvement of teaching techniques, instructional planning, etc.;
5. Confer with the intern after observation and/or evaluation activities; and
6. Engage in problem-solving activities with the intern to improve instruction.

Desired Knowledge/Skills/Attitudes:

- Willing to spend time with the intern;
- Knowledgeable of effective instructional research;
- Familiar with state and local performance evaluation policies and requirements;
- Proficient in the use of problem-solving strategies;
- Patient, self-confident, empathetic and committed to working with adults; and
- Willing to schedule sufficient time with the intern to develop the necessary knowledge, skills and attitudes.

Job Description

Career Option One: Peer Consultant

Purpose: The peer consultant works with peer professionals to provide assistance and to help improve teaching effectiveness. The assistance is offered in a supportive, non-evaluative, collegial manner.

Illustrative Tasks:

1. Help teachers interpret the results of state/local evaluation and identify areas of strength and need;
2. Work with teachers to identify resources for performance improvement;
3. Conduct informal observation and provide focused feedback;
4. Provide support to other teachers;
5. Model strategies/techniques for improved instruction;
6. Review lesson plans and propose revisions, as appropriate; and
7. Provide/participate in professional growth activities.

Desired Knowledge/Skills/Attitudes:

- Knowledgeable about effective instructional research and practice options;
- Able to exhibit the personal/professional qualities associated with success in working with adults;
- Informed about state and local evaluation requirements;
- Skilled in problem-solving, observation and analysis of teaching, and providing feedback; and
- Able to work cooperatively in a positive, professional manner.

Job Description

Career Option Two: Teacher in Extended Day, Week or School Year

Purpose: The teacher implements an educational program that is responsive to student needs and that meets educational goals and objectives in an organizational context of an extended school day, week or year. The class(es) will be conducted in accordance with policies adopted by the local board of education and with regulations and procedures of the district.

Illustrative Tasks:

1. Plan and prepare for instruction, including
 - Develop goals and objectives for course of study;
 - Adapt curriculum to student needs;
 - Recognize and plan for individual differences.
2. Provide group and individual instruction, including
 - Guide instruction toward achievement of goals and objectives, using knowledge of subject matter, and student needs;
 - Implement available course of study;
 - Encourage students to take pride in any degree of achievement toward objectives;
 - Develop instruction program considering students' individual strengths and needs.
3. Evaluate the outcomes of the instruction, including
 - Measure student achievement using goals and objectives;
 - Use a variety of evaluative tools to determine student understanding and application;
 - Use conferences and/or written reports to inform students and/or parents of progress.
4. Implement sound classroom management, including
 - Develop with students standards of classroom behavior and procedure;
 - Maintain student behavior in the classroom;
 - Take reasonable precautions to protect students, equipment, materials and facilities.
5. Fulfill procedural responsibilities, including
 - Maintain accurate, complete and correct records as required by administrative regulation, parish and LDE policy, e.g., class rolls, reports as required;
 - Perform duty assignments.

Desired Knowledge/Skills/Attitudes

- Meet certification requirements as set forth in Louisiana Standards for State Certification of School Personnel for particular course of study;
- Exhibit enthusiasm, dependability, flexibility, fairness, unbiased attitude;
- Able to communicate effectively with students; acceptable speech and grammar;
- Display openness in examining teaching techniques;
- Discreet in handling information regarding students gained in the course of professional services; and
- Participate in activities and organizations that facilitate professional growth and development.

Job Description

Career Option Three: Staff Developer

Purpose: The staff developer facilitates the growth of professional knowledge/skills of faculty so that instructional programs can be strengthened. He/she works with the principal, supervisors and faculty to determine appropriate programs that reinforce school improvement goals.

Illustrative Tasks (arranged sequentially):

1. Based on demonstrated needs of students, assess capacity of faculty to deliver a new/innovative program;
2. Select/develop an innovative program for implementation with the principal, supervisor, peer professionals at either the school and/or district level;
3. Locate resources (human, programmatic) needed to build faculty's capacity for implementation;
4. Organize and arrange for staff development activities (speakers, materials, space, refreshments, etc.);
5. Facilitate/present staff development activity for new program;
6. Provide print resources to individual teachers as requested;
7. Model/demonstrate innovative practice in own classroom;
8. Observe and coach other teachers implementing the innovation; and
9. Evaluate implementation of the innovation and its effect on students.

Desired Knowledge/Skills/Attitudes:

- Knowledgeable of how change occurs in schools;
- Skillful in conducting needs analysis and program evaluation;
- Flexible, able to work with others;
- Willing to demonstrate innovation;
- Knowledgeable of research/practice literature related to specific needs;
- Aware of a range of human and material resources in the school, in the district and the state; and
- Demonstrated ability in organization and communication skills.

Job Description

Career Option Three: Curriculum Developer

Purpose: The curriculum developer assists the principal/supervisors in enhancing the coordination and enrichment of curricula within the school or school district. The work of the curriculum developer complements that of the principal/supervisors.

Illustrative Tasks:

1. Coordinate across-grade-level planning to insure that learning activities are appropriately sequenced and individualized;
2. Articulate curriculum vertically between grade levels;
3. Develop demonstration units of instruction for later dissemination within a school or school district;
4. Work with individual teachers to integrate new units with teacher's own plan; and
5. Based on student achievement information, develop curricular modifications for consideration by principal and teachers.

Desired Knowledge/Skills/Attitudes:

- Knowledgeable of learning/curriculum theory;
- Able to develop unit plans;
- Knowledgeable of a range of curriculum options; and
- Able to plan individual activities within larger instructional blocks.

Appendix G

STATE MINIMUM SALARY SCHEDULE CURRENT ACT 659 YEAR 3

Years of Exp.	Two Years	Three Years	BA	MA	MA+30	Specialist in Educ.	PH.D or ED.D.
0	11,095	11,801	14,631	14,984	14,984	15,516	16,223
1	11,270	11,979	14,984	15,337	15,337	15,868	16,574
2	11,448	12,154	15,337	15,692	15,692	16,223	16,930
3	11,801	12,508	15,692	16,044	16,044	16,574	17,461
4	12,154	12,863	16,044	16,398	16,398	16,930	18,020
5	12,508	13,216	16,398	16,930	17,016	17,555	18,576
6	12,863	13,569	16,753	17,461	17,646	18,203	19,132
7	13,216	14,100	17,107	18,020	18,298	18,854	19,689
8	13,748	14,631	17,461	18,576	18,947	19,502	20,245
9	14,277	15,161	18,020	19,132	19,595	20,154	20,802
10	14,808	15,692	18,576	19,689	20,245	20,802	21,361
11	14,808	15,692	19,133	20,245	20,896	21,451	21,918
12	14,808	15,692	19,707	20,852	21,547	22,099	22,445
13	14,808	15,692	20,298	21,479	22,194	22,761	23,118
14	14,808	15,692	20,298	21,479	22,194	22,761	23,118
15	14,808	15,692	20,298	21,479	22,194	22,761	23,118
16	14,808	15,692	20,907	22,123	22,860	23,445	23,812
17	14,808	15,692	20,907	22,123	22,860	23,445	23,812
18	14,808	15,692	20,907	22,123	22,860	23,445	23,812
19	14,808	15,692	21,534	22,787	23,545	24,149	24,526
20	14,808	15,692	21,534	22,787	23,545	24,149	24,526
21	14,808	15,692	21,534	22,787	23,545	24,149	24,526
22	14,808	15,692	22,180	23,469	24,252	24,872	25,262
23	14,808	15,692	22,180	23,469	24,252	24,872	25,262
24	14,808	15,692	22,180	23,469	24,252	24,872	25,262
25	14,808	15,692	22,846	24,174	24,979	25,619	26,020

Appendix H
LOUISIANA MODEL CAREER OPTIONS PROGRAM
CAREER OPTION ONE
DESCRIPTION OF FUNCTIONS' LOG
 ABBREVIATED VERSION

Mentor
 Peer Consultant

Name: _____ Month: _____ Year: _____

District/Parish: _____ School: _____

Principal's Signature _____

Directions: For each function area, indicate, in the shaded box, the approximate time spent (to the nearest quarter hour) on activities in that area. Check the box of any functional activity for which you spent 15 minutes or more during the month. When necessary, provide any comments on the back of this form. Your principal should sign this form in the appropriate space above.

Planning

- Assessing Needs
- Procuring Resources
- Designing Strategies
- Preparing Materials
- Other

Observation

- Classroom
- Assignment Related
- Extra Curricular
- Other

Reviewing

- Lesson Plans
- Teaching Strategies
- Handouts/Materials
- Student Work
- Decisions
- Other

Conference

- Pre-observation
- Post-observation
- Other

Procedures

- District Policies
- School Policies
- Curricular
- Classroom
- Parent Conferencing
- Other

Nurturing

- Counseling/Advising
- Consoling
- Confirming/Reassuring
- Other

LTIP/LTEP Procedures

- Orientation
- Clarification
- Suggestion
- Other

Professional Development

- Meetings
- Workshops
- Coursework
- Reading
- Seeking Advice
- Other

Collaboration

- Analysis
- Explanation
- Suggestion
- Prescription
- Development
- Other

Evaluation

- Instrument Development
- Data Collection
- Data Analysis
- Development of Reports
- Other

Miscellaneous

- Travel
- Mailing
- Professional Discussions
- Housekeeping
- Other

Check if comments are on back

**LOUISIANA MODEL CAREER OPTIONS PROGRAM
CAREER OPTION ONE**

CONTACT LOG

MENTOR
PEER CONSULTANT

NAME: _____ MONTH: _____ YEAR: _____

DISTRICT/PARISH: _____ SCHOOL: _____

Principal's Signature

Directions: For each activity you conducted related to your MCOP responsibilities, indicate in the appropriate row and column the date that the activity occurred, the description of the activity, the amount of time spent on the activity, and any comments or reflections you may have regarding the implementation or outcome of that activity. Your principal should sign this form as indicated above.

DATE	DESCRIPTION OF ACTIVITY	TIME	REFLECTIONS

LOUISIANA MODEL CAREER OPTIONS PROGRAM

CAREER OPTION THREE

DESCRIPTION OF FUNCTIONS LOG

ABBREVIATED VERSION

Staff Developer

Curriculum Developer

Name: _____ Month: _____ Year: _____

District/Parish: _____ School: _____

Principal's Signature _____

Directions: For each function area, indicate, in the shaded box, the approximate time spent (to the nearest quarter hour) on activities in that area. Check the box of any functional activity for which you spent 15 minutes or more during the month. When necessary, provide any comments on the back of this form. Your principal should sign this form in the appropriate space above.

Planning

- Assessing Needs
- Gathering Information
- Designing Strategies
- Other

Collaboration

- Analysis
- Explanation
- Suggestion
- Prescription
- Development
- Other

Preparation

- Securing Resources
- Arranging Facilities
- Arranging Meetings/Sessions
- Writing materials
- Producing/Duplicating
- Other

Professional Development

- Meetings
- Workshops
- Coursework
- Reading
- Seeking Advise
- Other

Communication

- Writing Letters/Memos
- Telephoning/Messaging
- Individual Discussions
- Group Meetings/Speaking
- Other

Evaluation

- Instrument Development
- Data Collection
- Data Analysis
- Development of Reports
- Other

Implementation

- Facilitate/Present
- Follow-up (non-collaborative)
- Demonstration/Modeling
- Resource Procurement
- Other

Miscellaneous

- Travel
- Managerial Duties
- Preparing Reports (Non Evaluative)
- Other

Check if comments are on back

**LOUISIANA MODEL CAREER OPTIONS PROGRAM
CAREER OPTION THREE**

CONTACT LOG

STAFF DEVELOPER

CURRICULUM DEVELOPER

NAME: _____ MONTH: _____ YEAR: _____

DISTRICT/PARISH: _____ SCHOOL: _____

Principal's Signature

Directions: For each activity you conducted related to your MCOP responsibilities, indicate in the appropriate row and column the date that the activity occurred, the description of the activity, the amount of time spent on the activity, and any comments or reflections you may have regarding the implementation or outcome of that activity. Your principal should sign this form as indicated above.

DATE	DESCRIPTION OF ACTIVITY	TIME	REFLECTIONS

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Entrance Requirements for Postsecondary Technical Institutes

The State Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved the revised entrance requirements for postsecondary technical institutes as stated below, effective July 1, 1991.

These requirements standardize entrance requirements throughout the Technical Institute System and must be effective at the beginning of the new fiscal year, 91-92.

General Entrance Requirements for Postsecondary Technical Institutes

The requirements herein are designed to identify the academically disadvantaged, provide for a program of academic and technical knowledge improvement, reduce the dropout rate, encourage program completions, and improve placement rates:

The requirements herein are:

1. The technical institutes shall be operated under an open door policy and shall serve programs on an equal priority basis, including but not limited to adults, veterans, high school students, persons who have dropped out of high school, and minority ethnic groups.

2. A student shall have reached 16 years of age prior to entry into a technical institute.

3. All post-secondary technical education institutions under the jurisdiction of the Board of Elementary and Secondary Education shall administer the Test of Adult Basic Education, (TABE) Survey Edition-Level A, to anyone who wishes to enroll in a technical institute except extension courses. The test results will be used for diagnostic purposes and assisting applicants in program planning which may include upgrading of basic skills, but shall not be used to determine entrance into an institute. This test is nationally normed, provides grade equivalent test results, is electronically scoreable, has reasonable costs and is easily administered to large or small groups.

Aptitude may be accomplished by using the Armed Services Vocational Aptitude Battery (ASVAB), which is taken by many high school students during their senior year, or other appropriate testing instrument. Specific aptitude testing may be requested by the Student Personnel Services Officer of the technical institute and/or upon the request of the student.

Exception: Where academic achievement levels are required by a licensure board, such as LPN Programs, Barbering Programs, Cosmetology Programs, etc., or any other program under a licensing board that establishes requirements for that program, the following guidelines are recommended:

4. A special remediation program designed for each academically disadvantaged student could run concurrently with skills training. A portion of each day could be devoted to academics and a portion to skill training. Personnel to facilitate technical studies and developmental studies instruction in the postsecondary technical system shall be state certified.

5. Appropriate developmental studies instructors and

student personnel services officers must be available for diagnosing student academic deficiencies, developing individual Employability Development Plans, providing remedial instruction, and/or appropriate related instruction.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Reduction in Force Plan for Vocational-Technical Personnel

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved a revised Reduction in Force Plan for Vocational-Technical Personnel, effective May 23, 1991.

This Reduction in Force plan has been revised to include regional directors. It is essential that this plan be in place for a reduction in force that could possibly be necessary by June 30, 1991. This is an amendment to Bulletin 1868, BESE Personnel Manual.

Chapter C: Employee Personnel Activities

§131. Reduction in Force

C. Vocational-Technical System

1. Statement of Policy

When conditions such as program changes, declining enrollment, insufficient funds, or other just causes require a reduction in school faculty and staff institute and/or regional management center personnel, as approved by the BESE, the priorities and procedures outlined in this policy shall be implemented. It is important to understand that there is a difference between a reduction in force and a discharge for cause. The termination of employment brought on by a necessary reduction in force is caused not by a personal failure but because of some external factor or factors. Therefore, the decision as to who must be laid off when a Reduction in Force (RIF) occurs is to be based on the criteria and procedure set forth herein and not on a judgment as to the merit of an employee's performance.

2. Civil Service Employees

a. Reductions or changes affecting classified Civil Service employees shall be made in accordance with Civil Service rules and regulations.

3. Unclassified Employees, Personnel

a. Administrative

In any situation wherein a reduction in force is required, all practical measures shall be taken to avoid the termination of employment of unclassified administrative personnel. When an administrative activity is discontinued or reduction in force is mandated by board policy or ruling and a reduction in force is accordingly also mandated, unclassified administrative personnel in this activity or its equivalent that must be reduced or discontinued preference for continued employment will be based on the position and administrator total time of service in the postsecondary vocational-technical system.

1. In case of a Reduction in Force (RIF) for a regional management center director, the Regional Management Center director would displace (bump) the institute director in the region with the least time as institute director, still considering total time of service in the postsecondary vocational-technical system.

2. In case of RIF for an institute director, this person would bump the assistant director or any other position he/she is certified for, still considering total time of service in the postsecondary vocational-technical system.

b. Support

In any situation wherein a reduction in force is required, all practical measures shall be taken to avoid the termination of employment of a tenured unclassified support personnel. When a support activity is discontinued or reduction in force is mandated by board policy or ruling and a reduction in force is accordingly also mandated, tenured unclassified support personnel in this activity or its equivalent at the institute or branch campus will have continued employment preference over non-tenured unclassified support personnel. Among tenured unclassified support personnel activities or its equivalent that must be reduced or discontinued, preference for continued employment will be based on the unclassified support personnel's total time of service in the postsecondary vocational-technical system.

c. Instructional

In any situation wherein a reduction in force is required, all practical measures shall be taken to avoid the termination of employment of a tenured instructor. When an instructional course's discontinuance or reduction in force is mandated by board policy or ruling and a reduction in force is accordingly also mandated, tenured instructors in the course or its equivalent at the institute or branch campus will have continued employment preference over non-tenured instructors. Among tenured instructors in the course or its equivalent that must be reduced or discontinued, preference for continued employment will be based on an instructor's total time of service in the postsecondary vocational-technical system.

d. Reemployment Rights

1. If an unclassified administrator is terminated from employment because of a RIF, that person shall have the first option to be reemployed if the discontinued administrator's activity or its equivalent is reinstated at his/her former domicile within three years from date of RIF.

2. If a tenured unclassified support or instructional personnel is terminated from employment because of RIF, that support or instructional personnel shall have the first option to be reemployed if the discontinued course or activity or its equivalent is reinstated at his/her former institute or branch campus within three years from date of RIF.

4. Procedure for Termination of Tenured Employees

a. Instructional and Support

If after taking all practical measures to avoid the termination of a tenured employee, the director nonetheless concludes that the tenured employee's employment must be terminated, the appointing authority shall inform the employee in writing of the proposed action. The employee shall be told that he/she has the right to a hearing at which he/she may be represented by counsel and at which he/she may present evidence and bring witnesses to dispute the proposed termination. The hearing shall be limited to the issue of whether the reduction in force policies of the Board of

Elementary and Secondary Education require that the aggrieved employee be terminated from his/her employment. If the employee is not satisfied with the director's decision following the hearing, the employee may appeal to the Due Process Committee of the BESE in writing within 10 days after the director's confirmation that he/she is proposing the termination stating why the employee believes that the reduction in force policy was not properly followed in his/her case. The board may order a further investigation of the matter or take action without any further hearing on the appeal.

b. Assistant Director

If after taking all practical measures to avoid the termination of an unclassified administrative personnel at an institute or branch campus the director nonetheless concludes that the employee's employment must be terminated, the appointing authority shall inform the employee in writing of the proposed action. The employee shall be told that he/she has the right to a hearing at which he/she may be represented by counsel and at which he/she may present evidence and bring witnesses to dispute the proposed termination. The hearing shall be limited to the issue of whether the reduction in force policies of the BESE require that the aggrieved employee be terminated from his/her employment. If the employee is not satisfied with the director's decision following the hearing, the employee may appeal to the Due Process Committee of the BESE in writing within 10 days after the director's confirmation that he/she is proposing the termination stating why the employee believes that the reduction in force policy was not properly followed in his/her case. The board may order a further investigation of the matter or take action without any further hearing on the appeal.

c. Director

If after taking all practical measures to avoid the termination of an unclassified administrative personnel at an institute or branch campus the regional director nonetheless concludes that the employee's employment must be terminated, the appointing authority shall inform the employee in writing of the proposed action. The employee shall be told that he/she has the right to a hearing at which he/she may be represented by counsel and at which he/she may present evidence and bring witnesses to dispute the proposed termination. The hearing shall be limited to the issue of whether the reduction in force policies of the BESE require that the aggrieved employee be terminated from his/her employment. If the employee is not satisfied with the regional director's decision following the hearing, the employee may appeal to the Due Process Committee of the BESE in writing within 10 days after the regional director's confirmation that he/she is proposing the termination stating why the employee believes that the reduction in force policy was not properly followed in his/her case. The board may order a further investigation of the matter or take action without any further hearing on the appeal.

d. Regional Management Center Director

If after taking all practical measures to avoid the termination of an unclassified administrative personnel at the regional management center, the assistant superintendent for vocational education nonetheless concludes that the employee's employment must be terminated, the appointing authority shall inform the employee in writing of the proposed action. The employee shall be told that he/she has the right to a hearing by the Department of Education at which he/she may be represented by counsel and at which he/she may

present evidence and bring witnesses to dispute the proposed termination. The hearing shall be limited to the issue of whether the reduction in force policies of the BESE require that the aggrieved employee be terminated from his/her employment. If the employee is not satisfied with the decision following the hearing, the employee may appeal to the Due Process Committee of the BESE in writing within 10 days after the review committee confirmation that he/she is proposing the termination stating why the employee believes that the reduction in force policy was not properly followed in his/her case. The board may order a further investigation of the matter or take action without any further hearing on the appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10) and 7(5), R.S. 17:81.4, and R.S. 17:1941-1956.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 10:875 (November 1984) amended LR 11:1138 (December 1985), LR 12:290 (May 1986)

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Salary Schedule for State Technical Institutes

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved an amendment to the Salary Schedule for State Technical Institutes to include appropriate salaries for associate degree licensed practical nursing instructors, effective May 23, 1991, as stated below:

Associate degree and three-year diploma nursing salary schedule.

a. Associate degree nursing instructor would start at \$22,873. This would be base pay with no degree with credit for the equivalent of 72 college credit hours for associate degree in nursing.

b. Three-year diploma nursing instructor would start at \$23,033. This would be base pay with no degree with credit for the equivalent of 96 college credit hours for three-year diploma in nursing.

The associate degree and three-year diploma nursing instructors would receive, upon receipt of grade slip to Office of Vocational Education, credits for pay purposes up to 105 hours toward a B.S.N. degree.

The current BESE approved salary schedule does not have a schedule for associate degree registered nurse instructors. This amendment will add the associate degree registered nurse instructors to the schedule and provide for an equitable and corresponding increase for three-year diploma registered nurse instructors. Nurse instructors must be employed immediately to fill instructor vacancies in ongoing practical nursing programs. This is an amendment to Bulletin 1868, BESE Personnel Manual.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Teacher Tuition Exemption Guidelines

The Board of Elementary and Secondary Education, at its meeting of May 23, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and approved the revised Teacher Tuition Exemption Guidelines as printed below:

Emergency adoption is necessary in order for the guidelines to go into effect for the Fall, 1991 semester which begins in late August, 1991. Effective date of emergency rule is June 20, 1991.

TUITION EXEMPTION CONTINUING EDUCATION PROGRAM FOR TEACHERS

Bureau of Continuing Education

I. INTRODUCTION

The Louisiana Legislature, during the Regular Session of 1986, passed Act 1010 (R.S. 17:6.3) (a) and (c). This Statute provides for a continuing education program at Louisiana colleges and universities under which four-year degreed teachers may take courses in their teaching areas. The Teacher Tuition Exemption Program is funded through the Louisiana Quality Education Support Fund 8(g). Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Bureau of Continuing Education, P.O. Box 94064, Baton Rouge, LA. 70804-9064, telephone (504) 342-3414.

II. APPLICATION FORMS

A. DISTRIBUTION

1. The Louisiana Department of Education prepares and distributes the forms.

2. Participating parish or city school systems receive forms from the Department of Education.

*3. Participating non-public schools receive forms from the State Department of Education.

4. Participating applicants obtain forms from either the employing school or school board office. Regulations are to be posted and disseminated to the teachers at the employing school.

B. COMPLETION

1. Read the directions on the application.

2. Complete Section I and sign.

3. Have the employing authority complete Section II and sign.

4. Have the university official complete Section III and sign.

5. Present the application to appropriate university officials. (You must inquire at the Registrar's office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs.

D. If an applicant lists more courses than he/she is allowed during a semester the first eligible course(s) listed will be considered eligible for tuition exemption.

III. DEADLINES

A. APPLICATIONS AND COURSES

1. Regular Semester or Quarter

a. Application forms must be submitted to the specific university official no later than the tenth official university class day.

b. Courses to be reimbursed shall be courses for credit that begin and end within a regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.

2. Summer Session

a. Application forms must be submitted to the specific university official no later than the tenth official university class day.

*b. Courses to be reimbursed shall be courses for credit that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will submit these application forms as a supplemental billing.

B. UNSUCCESSFULLY COMPLETED COURSES

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied must pay the tuition as determined by the college and university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by the Louisiana State Department of Education.

3. If an applicant drops a course and/or adds a course, this change must be made on the Teacher Tuition Exemption Application Form within 10 days after the first day of class.

4. If an applicant drops a course within the university refund period, the applicant must be withdrawn by the university prior to the State Department of Education review. If this is not done and the university is paid for the student, the university must reimburse the State Department of Education.

IV. ELIGIBILITY

A. PARTICIPANTS

*Any full-time, four-year degreed, elementary or secondary classroom teacher who is regularly employed or on approved sabbatical leave from a state-approved public or non-public elementary or secondary school, listed on the Annual School Report as a member of the faculty of a state-approved public or non-public elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible.

For purposes of this program only, "Teacher" does not include Assessment Teacher; School Psychologist or other ancillary personnel who do not hold Louisiana Teaching Certificates; Administrator; Supervisor; or non-degreed VTIE personnel.

Applicants receiving other financial assistance (i.e. stipends, graduate assistantships) specified for tuition/registration costs are ineligible for Teacher Tuition Exemption.

B. COLLEGES AND UNIVERSITIES

Tuition reimbursement shall be limited to the following Louisiana colleges and universities as specified in Act 1010:

Delgado College	Northeast Louisiana Univ.
Grambling State Univ.	Northwestern State Univ.
Louisiana State Univ./Alexandria	Southeastern Louisiana Univ.
Louisiana State Univ./Baton Rouge	Southern Univ./Baton Rouge
Louisiana State Univ./Eunice	Southern Univ./New Orleans
Louisiana State Univ./Shreveport	Southern Univ./Shreveport
Louisiana State Univ. Med. Center	University of New Orleans
Louisiana Tech University	Univ. of Southwestern LA.
McNeese State University	Centenary College
Our Lady of Holy Cross College	Tulane University
Nicholls State University	Xavier University
Louisiana College	Loyola University

APPLICATION FOR ADMISSION TO COLLEGES AND UNIVERSITIES MUST BE IN COMPLIANCE WITH THE COLLEGES' OR UNIVERSITIES' REGULATIONS, ENTRANCE REQUIREMENTS, DEADLINES, AND ANY OTHER CONDITIONS FOR ADMISSIONS.

C. COURSES

1. Credit courses in the applicant's area of certification in **job assignment**, or courses outside these areas, specifically in the area(s) of critical shortage, as approved in writing by the superintendent of that city or parish school system are eligible. Final review/approval of courses shall be the responsibility of the Louisiana Department of Education, Bureau of Continuing Education.

2. Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session, if funds are available.

3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed three course offerings for each fall/spring session that the applicant is on such leave, if funds are available.

4. Core courses for applicants in pursuit of an advanced degree are as follows (only one of each is permissible):

- Tests and Measurements
- Educational Psychology
- Educational Research (how to do research)
- Philosophy of Education
- Statistics (educational)
- History of Education
- Introduction to Computer Literacy
- Introduction to the Education of Exceptional Children

i. Reading in content areas

*j. Classroom Behavior Management

5. Any coursework required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

*6. Distance Learning courses are live interactive courses are approved for Teacher Tuition Exemption. The courses must be for three hours of graduate college credit approved by the university or college Governing Board. The Department of Education requires that a course outline be provided to the Bureau of Continuing Education prior to Department of Education Teacher Tuition Exemption approval.

D. TUITION

1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition Exemption shall be limited to the amount of tuition assessed for on-campus courses. A portion of this amount for a course is not allowed.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated 8(g) funds.

*3. Public and non-public teachers are eligible to receive tuition waivers from public or non-public universities (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to non-public college shall be equal to but not greater than the highest tuition charged by a public college or university in this state.

V. INELIGIBILITY

Reimbursement shall not be paid on the following:

1. courses that are not successfully completed by the end of the semester or quarter;
2. non-credit courses or audit courses;
3. non-instructional credit courses such as examination courses;
4. courses in theology or divinity;
5. courses in administration or supervision (Supervision of Student Teaching only if deemed a critical shortage area by the city/parish superintendent);
6. correspondence courses;
7. dropped, failed, or incomplete courses;
8. courses for which application forms were submitted to the university past the deadline date;
9. courses for which application forms were incomplete or inaccurate;
10. courses for applicants who are declared ineligible to participate;
11. courses for which funds are not appropriated;
12. courses for applicants who are receiving retirement funds from a state retirement system;
13. courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the State's Colleges and Universities;
14. courses taken by independent study (The single exception is in the case of either thesis or dissertation research). Tuition reimbursement may be made for only three hours of independent study and the topic of the research must be directly related to the applicant's current job assignment. Verification in writing must be made by the applicant's major professor and attached to the application prior to approval by the State Department of Education. No approval will be made for topics related to administration or supervision;
15. courses for which the participant is not eligible under these guidelines;
16. courses involving infractions of the Tuition Exemption regulations or university policy;
17. courses taken by teachers who are in default to the State of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985, or the present Tuition Exemption Program.

VI. APPEALS

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of

Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial from the university.

2. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right to a due process appeal before the state Board of Elementary and Secondary Education. The applicant should contact the executive director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

VII. COLLEGE AND UNIVERSITY PROCEDURES

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible coursework covered in this program.

B. The last date for the colleges and universities to accept applications for tuition exemption shall be the tenth official university class day of a regular semester or quarter or summer session.

C. Each college and university shall submit to the Department of Education, on the tenth day of class of each fall and spring session, an invoice equal to one-half of the amount of tuition assessed to that university. Within 20 days after the close of the semester, the college/university shall submit a final billing together with an alphabetical list of the names and addresses of applicants who received a W, F, or I grade, final payments to the university will be withheld until the reports are received. Invoicing for the summer session is covered in the following Paragraph "D".

D. All 8(g) funds for the Teacher Tuition Exemption Program are strictly limited to services rendered within the fiscal year, July 1 through June 30. Summer sessions generally cover portions of June, July, and August; therefore, the tuition reimbursement of invoice issued by a university or college must be prorated. The first invoice will cover the summer session only through June 30 and will be applied against the current fiscal year budget. The remainder of the summer session tuition invoice covering the period starting July 1 to the end of the summer session will be paid from 8(g) funds in the following fiscal year.

*E. Any student enrolled in a course that has the signature of approval of the Dean (or his/her designee) for tuition exemption, and the course is subsequently decided to be ineligible by the State Department of Education, will be allowed to drop the course at that time regardless of the university's drop policy and not be required to pay any fee. If the student chooses to remain in the course, he/she will be responsible for the appropriate university fees.

NOTE: All statements preceded with an asterisk (*) indicate clarifications or additions to the current guidelines.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Proce-

Act, R.S. 49:953(B) to adopt the following rule in the Medical Assistance Program effective March 1, 1991.

Provision of adequate, accessible care in rural areas has become a problem as the escalating cost of medical technology has been compounded by decreased utilization of local medical resources. Small-town hospitals all over the nation are falling behind in the financial struggle to provide basic medical services for the local population. As rural populations move toward utilization of medical center resources, local hospitals eventually cease to exist, leaving no readily accessible source of emergency care. Patients requiring hospitalization must leave the local area, and cannot be treated by a physician who must travel an hour or more to see this patient in the hospital. Physicians without adequate local technical resources are forced to relocate to a less medically isolated area. Accessible care in rural communities has become a need with no obvious solution.

Health care professionals in Claiborne Parish are making a concerted effort to reverse the trend in their area. Health professionals have banded together to form the Claiborne Parish Health Care Committee. In a major initiative to explore possible solutions, the committee held a rural health care conference in July, 1990, inviting interested parties from all over the state to participate. In attendance were rural hospital representatives, elected officials from the local level through the state level, health care professionals, public health officials, educational, religious, and business interests, and the media.

In response to the needs voiced at that meeting and subsequently, the community care program was developed by the Department of Health and Hospitals as a Medicaid initiative to increase access to care in areas of the state where underutilization of basic health-care services has been demonstrated. There are approximately 2,600 Medicaid recipients certified in Claiborne Parish, including about 600 children under age 21 who are eligible to receive early and periodic screening, diagnosis, and treatment services. A preliminary examination of two years of claims history disclosed that 40 percent of the parish recipients population received no medical services during this period. A significant number of recipients received services from providers located across parish lines who are physically nearer than providers within the parish. Enrollment of providers will, therefore, be extended to those physicians in congruent parishes who treat residents of Claiborne Parish. The purpose and objective of the community care program is to alter the basic manner in which Medicaid services are obtained to:

1. assure needed access to care;
2. provide for continuity of services;
3. strengthen the physician-patient relationship;
4. promote the educational and preventive aspects of health care including early diagnosis and treatment;
5. encourage development and utilization of locally available health care resources;
6. reduce unnecessary and inappropriate utilization and costs; and
7. promote efficient and appropriate management of the health care system, including the responsibility of the individual to use health care resources appropriately.

Physicians, defined as general practitioners, family practitioners, internists, pediatricians, and obstetrician/gynecologists, or group practices with at least one full-time equivalent of one of the above specialties, will be separately enrolled as providers of Community Care services. Enrollment

as a community care provider shall be contingent upon agreement to provide services as described herein in addition to physician services rendered in accordance with accepted medical practice, and shall not require that provider be licensed as a case management agency. Medicaid patients will be given the opportunity to select a community care physician from the list of participating providers. Those not making such a selection will be referred to a participating provider seen by that recipient during the last 12 months, if appropriate, or to the nearest participating provider.

Participating community care providers will be required to provide 24-hour availability of primary care and referral for other necessary services consistent with normal family physician relationships and practices. Specific requirements include:

1. Twenty-four hour access. Community care providers must arrange for physician coverage 24 hours per day, seven days per week. The physician must inform the recipient of his/her normal office hours and explain the procedure the recipient should follow when the office is closed. A single 24-hour telephone number must be provided by the provider;

2. Provision of basic health services and urgent care. The community care provider will serve as the recipient's primary physician, providing basic health care services in accordance with accepted medical practice, including treatment of conditions not likely to cause death or lasting harm, but for which treatment should not wait for a normally scheduled appointment (e.g., suturing minor cuts, setting simple broken bones, treating dislocated bones, and treating conditions characterized by abnormally high temperatures).

3. Referral for other medical services. Referrals may be made by the community care provider to another physician for specialty care or for primary care during his/her absence or non-availability. No special authorization or referral form is required, and referrals shall occur in accordance with accepted practices in the medical community. A referral must be made if the recipient requests a second medical opinion when surgery has been recommended.

4. Accessibility of care. As a condition of participation, referrals shall be made to the nearest appropriate facility, specialist, or substitute primary care provider.

Community care providers, in addition to their normal fee for service reimbursements from Medicaid, will be paid \$5 per month for each community care recipient for whose care management the provider is responsible.

This rule is necessary in order to enhance access to care for Medicaid recipients in targeted areas where patterns of utilization indicate unresolved difficulty of access. Specifically, it is necessary to reach the mandated participation rates for early and periodic screening, diagnosis, and treatment services provisions mandated by the Health Care Financing Administration as a result of the Omnibus Budget Reconciliation Act of 1989, and thereby avoid federal sanctions. Adoption of this measure will secure new federal funding. The rule was previously adopted by emergency rulemaking effective February 2, 1991 and published in the February 20, 1991 issue of the *Louisiana Register* (Volume 17, No. 2), page 156.

EMERGENCY RULE

Community care management is defined as individualized planning and service coordination of medical services. Services shall be provided to Medicaid recipients who are residents of designated geographic areas.

Enrolled providers of community care services are li-

censed physicians, defined as general practitioners, family practitioners, internists, pediatricians, and obstetrician/gynecologists, or group practices with at least one full-time equivalent of one of the above specialties, who are separately enrolled as providers of community care services. Community care providers shall be exempt from and, therefore, deemed to have met, state licensure standards for case management. Enrollment as a community care provider shall be contingent upon agreement to provide services as described herein in addition to physician service rendered in accordance with accepted medical practice.

The enrolled care manager must ensure that services are provided by licensed physicians specializing in general practice, family practice, internal medicine, pediatrics, or obstetrics/gynecology, or by professional staff under the direction of the individual care manager who possesses those qualifications. Maximum caseload size is 500 cases at any given time.

General provisions and standards for payment listed in the Title XIX State Plan for case management services shall apply. Special requirements are as follows:

1. Twenty-four-hour access. Community care case managers must inform the recipient of his/her normal office hours and explain the procedures the recipient should follow when the office is closed. A single 24-hour telephone number available to recipients at no charge must be provided.

2. Provision of basic health services and urgent care. The case manager will serve as the recipient's primary physician, providing basic health care services in accordance with accepted medical practice, including treatment of conditions not likely to cause death or lasting harm, but for which treatment should not wait for a normally scheduled appointment (e.g., suturing minor cuts, setting simple broken bones, treating dislocated bones, and treating conditions characterized by abnormally high temperatures).

3. Referral for other medical services. Referrals may be made by the care manager to another physician for specialty care or for primary care during his/her absence or non-availability. No special authorization or referral form is required, and referrals shall occur in accordance with accepted practices in the medical community. A referral must be made if the recipient requests a second medical opinion when surgery has been recommended or a second medical opinion is required under Title XIX (Medicaid) for the surgical procedure.

4. Accessibility of care. The primary office location of the case manager shall be in the parish of residence of recipients to whom services are offered, or may be in a contiguous parish if such location is no less accessible than the offices of providers in the parish of recipient residence. As a condition of participation, referrals shall be made to the nearest appropriate hospital, specialist, or substitute primary care provider.

5. Recording. The case manager shall document and clearly label individualized planning and service coordination activities in the medical record.

6. Freedom of choice assistance. The case manager shall assist clients in requesting a change in case management providers, or in enrolling or withdrawing from community care management.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, dated July 31, 1987, pages 28646 - 28658. Under the Health Care Financing Administration's interpretation of these regulations, a state may not provide for reimbursement of dispensing costs through its drug reimbursement methodology. Based upon this interpretation, the state was mandated to move away from payment of drug cost based upon average wholesale prices and begin applying a 10.5 percent reduction to the compendia price of all single source drugs. Because the state has utilized unmodified average wholesale pricing as a mechanism of maintaining reasonable and adequate reimbursement of dispensing costs, movement away from this reimbursement methodology has required continuing monitoring of the adequacy of its dispensing reimbursement to remain in compliance with §1902(a)(30) of the Social Security Act. This statutory provision mandates that reimbursement be reasonable and adequate to reimburse efficiently and economically operated providers the costs which they must incur in providing medical services in accordance with the requirements of both state and federal governments.

To assure reimbursement remains reasonable and adequate, the bureau must review dispensing cost data and assess the adequacy of reimbursement in terms of current dollar values. This is accomplished through revision of the last audit report data on dispensing costs to account for inflation and comparing reimbursement of dispensing cost with other service reimbursement methodologies covered under the approved Title XIX State Plan agreement with the federal government. The bureau has analyzed dispensing cost based on a representative grouping which includes 67 percent of participating pharmacies to assess the reasonableness and adequacy of its current reimbursement for dispensing cost. In order for the current reimbursement methodology to remain reasonable and adequate, the bureau is required to increase its maximum limitation on dispensing costs to \$4.68. Without this increase, the state cannot assure compliance with the mandatory provisions of §1902(2)(30) of the Social Security Act and will be in violation of mandatory federal requirements for establishing and maintaining adequate reimbursement for medical vendor services. This rule is necessary to implement mandatory federal statutory and regulatory provisions. Emergency rulemaking implementing this change was previously declared effective August 30, 1990, and published in the *Louisiana Register* (Volume 16, Number 9) on September 20, 1990 on page 755, and redeclared on December 28, 1990 and published in the *Louisiana Register* (Volume 17, Number 1) on January 20, 1991 on page 25.

This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

Emergency Rule

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

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

The Medicaid Program established by Title XIX of the Social Security Act provided medical assistance to certain low-income individuals and families and is administered by the states in accordance with federal requirements. The program by law is intended to be the payor of last resort; that is, other available third party resources must be used before the Medicaid Program pays for the care of an individual eligible for Medicaid. The overall purpose of state Medicaid third party liability (TPL) programs is to ensure that federal and state funds are not spent for covered services to eligible Medicaid recipients when third parties exist that are legally liable to pay for the services.

In accordance with the statutory provisions of the Deficit Reduction Act of 1984, since May 12, 1986, the state agency has utilized the method of claims payment called cost avoidance to process all Medicaid claims involving third party liability. In cost avoidance, if probable third party liability is established at the time the claim is filed, the agency rejects the claim and returns it to the provider for a determination of third party liability. When the amount of the third party liability is determined, the agency pays the claim to the extent that payment allowed under the agency's payment schedule exceeds the amount of the third party's payment.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (P.L. 99-272), was enacted on April 7, 1986. Section 9503 of COBRA amended section 1902 (a)(25) of the Social Security Act to enact new provisions relating to third party liability in the Medicaid Program. DHHS/HCFR published the regulations at 42 CFR which mandates the implementation of these COBRA provisions. Congressional intent in revising the methods of paying claims was to reduce the health providers' responsibility in administering the third party liability program so that physicians and other providers will continue their participation in the Medicaid Program, particularly in those geographic areas where there is unmet need for certain health and medical services.

The regulations implementing section 9503 set forth exceptions to the cost avoidance method of claims payments in TPL situations. For these exceptions the state is mandated to pay the submitted claim in the full amount allowed under

the agency's payment schedule and then seek reimbursement from any liable third party to the limit of legal liability. This method of claims payment is referred to as "pay and chase." Accordingly, the pay and chase method of claims payment will apply to Medicaid claims for the following services covered under the state's Medicaid plan:

- A. Prenatal care for pregnant women;
- B. Preventative pediatric services including Early and Periodic Screening Diagnosis and Treatment of individuals under the age of 21 years; and
- C. Services provided to an individual for whom child support enforcement services are being carried out by the Title IV-D state agency.

Prenatal Care Services

Prenatal care is defined as services provided to pregnant women if such services relate to the pregnancy or to any other medical condition which may complicate the pregnancy. The types of claims involved are claims for routine prenatal care, prenatal screening of mother or fetus, and care provided in the prenatal period to the mother for complications of pregnancy.

Preventive Pediatric Care Services

Preventive pediatric care is defined as screening and diagnostic services to identify congenital physical or mental disorders, routine examinations performed in the absence of complaints, and screening or treatment designed to avert various infectious and communicable diseases from ever occurring in individuals under age 21. This includes immunizations, screening tests for congenital disorders, well child visits, preventive medicine visits, preventive dental care, and screening and preventive treatment for infectious and communicable diseases.

HCFA-Approved Diagnosis Codes

The HCFA Regional Office has provided the ICD-9-CM Diagnosis Codes for prenatal care services and preventive pediatric care services. These HCFA-approved diagnosis codes will be used to identify the prenatal and preventive pediatric care claims which will be subject to the pay and chase method of payment. These procedure codes will be made available to providers in the provider newsletter and will be included in the provider manual at an early date.

The state agency will pay and chase claims whenever these codes are listed as the primary diagnosis for covered Medicaid services. For free-standing laboratories and radiology centers, the state agency will pay and chase reimbursement if the diagnosis codes are listed as the primary or secondary diagnosis. If there is no diagnosis code indicated on the claim (for example, pharmacy and medical transportation) which denotes prenatal or preventive pediatric care, the cost avoidance method of claims payment will be applied when there is probability of third party liability. In addition, hospitals and prepaid health plans such as health maintenance organizations are excluded from the mandatory pay and chase method of payment. Claims associated with inpatient hospital stay for labor and delivery and post-partum care will continue to be cost-avoided.

Medical Support Enforcement

The Title IV-D provision is a "pay and chase" requirement under COBRA which is provided to an individual for whom child support enforcement services are being carried out under Title IV-D. Congressional intent of this requirement was to protect the custodial parent and his/her dependent children from having to pursue the absent spouse, and his/

her employer or insurer, for third party liability. The statute and implementing regulations give states the option to require the medical or health provider to bill a liable third party and then wait 30 days from the date of the service to bill Medicaid. The state plan must specify the method chosen to assure provider compliance with the billing requirements. The state agency is amending the state plan to notify HCFA that Louisiana has elected to pay and chase these claims in the same manner that prenatal claims and preventive pediatric care claims will be processed. Providers will not be required to bill a liable third party prior to submitting the claim for Medicaid reimbursement. The state will pay these claims and seek reimbursement from any liable third party. However, the provider will have the option to bill a third party first. In situations where the third party is billed first, the provider must wait the required thirty day period before billing Medicaid. In addition, when payment has been received from the third party, the provider must attach a copy of the Explanation of Benefits from the third party to the Medicaid claim. The provider will then be reimbursed to the extent that payment allowed under the bureau's payment schedule exceeds the amount of the third party payment.

For covered Title XIX services other than those specifically excluded from cost avoidance in this Emergency Rule, the agency will continue to use the cost avoidance method of claims payment.

The proposed rule was adopted by emergency rulemaking effective May 20, 1990 and published in the June 20, 1990 issue of the *Louisiana Register* (Vol. 16, No. 6, page 487), readopted and published in the October, 1990 *Louisiana Register* (Vol. 16, No. 10, page 838), and readopted and published in the February, 1991 *Louisiana Register* (Vol. 17, No. 2, page 158). This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

EMERGENCY RULE

In accordance with 42 CFR Section 433.139 which implements section 9503 of COBRA, Medicaid claims for services covered under the state plan will be cost avoided when there is probable third party liability unless the claim is for one of the following services:

- A. prenatal care for pregnant women;
- B. preventative pediatric services including early and periodic screening diagnosis and treatment of individuals under the age of 21 years;
- C. services provided to an individual for whom child support enforcement services are being carried out by the Title IV-D state agency.

In processing these claims, the Medicaid agency will pay the claim and seek reimbursement from liable third parties, utilizing the claims method of payment called "pay and chase." When the claim is for a service provided to an individual for whom child support enforcement services are being enforced through the Title IV-D state agency, the provider is not required to bill a liable third party prior to billing the state Medicaid agency. The state elects to process these claims in the same manner as for prenatal care and preventive pediatric services, that is, through the pay and chase process. Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

Effective November 1, 1986, Medicaid coverage of individuals ages 18, 19, and 20 for whom public agencies are assuming full or partial financial responsibilities and who are in foster homes or private institutions, and individuals who are in adoptions subsidized in full or part by a public agency (categories F, VI, I and O) was discontinued. This change was the result of circumstances which required the review of all optional Medicaid services. While budget constraints within the Medicaid program required that coverage of these groups be eliminated, the Department of Social Services, Office of Community Services was required to continue to provide medical care. Costs to the state associated with that care exceed the state share of the cost of providing Medicaid services to this population.

In order to reduce state expenditures for the care of the targeted population and to obtain available federal financial participation, the Bureau of Health Services Financing is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) to adopt the following rule. The rule was previously adopted by emergency rulemaking effective November 1, 1990 and published in the October 20, 1990 issue of the *Louisiana Register* (Volume 16, No. 10), page 840 and effective February 4, 1991 and published in the February 20, 1991 issue of the *Louisiana Register* (Volume 17, No. 2), page 158.

Emergency Rule

Medicaid eligibility in the F and V category of assistance as an Optional Categorically Eligible group is extended to those individuals age 18 through 20.

Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Title XIX Medicaid Program. The rule was previously adopted by emergency rulemaking and published in the October 20, 1990 issue of the *Louisiana Register* (Volume 16, Number

10, page 839) and re-published in the February 20, 1991 issue of the *Louisiana Register* (Volume 17, Number 2, page 158.)

The reimbursement methodology for inpatient hospital services incorporates a provision for payment adjustment for hospitals serving a disproportionate share of low-income patients. This disproportionate share payment adjustment was implemented on July 1, 1988, in accordance with Section 4112 of the Omnibus Reconciliation Act of 1987 (Public Law 100-203). Rulemaking to adopt the provision was published in the *Louisiana Register*, Volume 14, No. 8, dated August 20, 1988.

The bureau has made the finding that Title XIX inpatient hospital reimbursement rates are reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards except for those hospitals which provide services to a disproportionate share of medically indigent inpatients. One of the qualifying criteria for a disproportionate share payment adjustment is that the hospital must have a utilization rate in excess of the defined Medicaid utilization rate or the low-income utilization rate. As a result of discussion with the Health Care Financing Administration, the emergency rule is being modified to delete the additional criterion of providing a minimum percentage of free care. HCFA has advised that this would be contrary to federal laws and regulations. In accordance with the intent of Sections 1902 (a)(13) and 1923 of the Social Security Act to provide additional reimbursement to hospitals serving a disproportionate share of indigent patients, the bureau will increase the payment under the low-income utilization methodology to three times the amount over the qualifying percentage (25 percent). In addition, modification to add a minimum payment of \$1 in addition to the payment adjustment proportional to the amount in excess of the qualifying percentage for Medicaid utilization or low-income utilization has been necessitated by Section 4703 of the Omnibus Reconciliation Act of 1990.

Emergency rulemaking is necessary in order to enhance federal funding to hospitals providing indigent care as a result of this policy change in the disproportionate share payment adjustment in the inpatient hospital services program.

Emergency Rule

I. In order to qualify for a payment adjustment based on low-income utilization, the hospital must submit its criteria and procedures for identifying patients who qualify for free care to the Bureau of Health Services Financing for approval. The policy for free care must be posted prominently and all patients must be advised of the availability of free care and procedures for applying for same.

II. the low-income utilization rate is defined as the sum of

(a) the fraction, (expressed as a percentage), the numerator of which is the sum (for the period) of the total Medicaid (Title XIX) patient revenues plus the amount of the cash subsidies for patient services received directly from state and local governments, and the denominator of which is the total amount of hospital revenues for patient services (including the amount of such cash subsidies) in the cost reporting period; and

(b) the fraction (expressed as a percentage), the nu-

merator of which is the total amount of the hospital's charges for inpatient services which are attributable to charity (free) care in a period, less the portion of any cash subsidies as described in (a) above in the period which are reasonably attributable to inpatient hospital services; and the denominator of which is the total amount of the hospital's charges for inpatient hospital services in the period. For public providers furnishing inpatient services free of charge or at a nominal charge, this percentage shall not be less than zero. The above numerator shall not include contractual allowances and discounts (other than for indigent patients not eligible for Medicaid), that is, reductions in charges given to other third party payers, such as HMO's, Medicare, or Blue Cross; nor charges attributable to Hill-Burton obligations.

Hospitals shall be deemed disproportionate share providers if their low-income utilization rates are in excess of 25 percent.

III. Payment Adjustment

When a disproportionate share hospital qualifies for a payment adjustment based on low-income utilization, the payment adjustment factor is as follows: Effective for services November, 1990 and after, a minimum of \$1 plus a proportional adjustment equal to the percentage or portion thereof, of the low-income utilization rate as defined in II. in excess of 25 percent times a factor of three.

Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) (OBRA '90) was signed by the president on December 5, 1990, enacting numerous changes in the Medicaid program. This rule is promulgated in order to implement the mandatory provisions of that law and to avoid sanctions.

OBRA '90 requires numerous amendments to existing regulations as well as making available new optional and mandated coverage for both eligibility groups and services. Among the more prominent provisions are:

- mandatory rebate provisions for prescribed drugs and drug use review;
- higher income levels for recipients eligible for buy-in of Medicare premiums;
- new mandatory use of outreach locations;
- modifications of disproportionate share hospital regulations;

- clarifications concerning Federally Qualified Health Centers;
- descriptions of various alternative services;
- technical amendments to several income consideration regulations;
- provisions for new personal care attendant and alcoholism and drug dependency services;
- optional new spenddown eligibility option;
- amended calculation factors for home and community-based waiver cost effectiveness formulas;
- modifications to physician identification requirements and qualifications;
- report requirements concerning sanctions; and
- technical corrections to nursing facility nurse aide requirements, deficiency standards, readmission standards, reports, professional practitioners, resident assessment, nursing waivers, recipient rights and charges, and staffing requirements.

This emergency rule was previously implemented effective January 2, 1991 and published in the *Louisiana Register* (Volume 17, Number 1, page 27) on January 20, 1991. This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

Emergency Rule

Mandatory Title XIX provisions of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) are hereby adopted and implemented as required by the provisions of said Act, utilizing the interpretations set forth by the Health Care Financing Administration (HCFA) in its State Medicaid Manual publication and in conformity with technical assistance rendered until final regulations are adopted by HCFA, as appropriate.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medical Assistance Program effective March 1, 1991.

Groups of individuals who are eligible for Medicaid reimbursement for services are defined in federal regulations. Coverage for certain groups are mandated, and other groups to whom coverage may be extended are described. Recipients of Aid to Families with Dependent Children (AFDC) administered by the Department of Social Services (DSS), Office of Family Support (OFS), and recipients of Supplemental Security Income (SSI) administered by the Social Security Administration (SSA) are among the groups required to be covered for Medicaid services.

The Department of Health and Hospitals is the single state agency responsible for administration of the Medicaid Program in the state. Under the terms of an interagency agreement, OFS field staff determines eligibility for Medicaid

coverage. The eligibility determination examiners of the Medical Assistance Program (MAP) Unit are stationed on-site in state charity hospitals and some public health units to assist patients in making application for Medicaid benefits.

In order to expedite certification for Medicaid coverage, DHH is implementing coverage of individuals described in 42 CFR 435.210 who would be eligible for but are not receiving cash assistance. This eligibility group is described as persons who have been determined to meet all the eligibility criteria for cash assistance under AFDC or SSI, but are not receiving these benefits. At the time of notification of certification, the recipients will be informed of their eligibility for cash assistance so that they may make application for those benefits if they so choose.

Emergency rulemaking is necessary to extend Medicaid coverage to hospital patients in need of expeditious certification in order to receive necessary services. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953(B), were previously exercised effective February 11, 1991 and published in the *Louisiana Register*, Vol. 17, Number 2, page 159 on February 20, 1991 relative to this provision.

EMERGENCY RULE

Medicaid eligibility is extended to individuals who would be eligible for but are not receiving cash assistance as an Optional Categorically Eligible group. This eligibility group is described as persons who have been determined to meet all the eligibility criteria for cash assistance under AFDC or SSI, but are not receiving these benefits.

Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medical Assistance Program effective March 1, 1991.

Skilled Nursing Services for Infectious Disease (SN/ID) are covered under the state's Title XIX Medical Assistance Program in accordance with applicable federal and state rules and regulations. Previously provider reimbursement was calculated on the basis of allowable costs for care at specified occupancy rates. For the first 12 months or until 20 percent occupancy was achieved (whichever occurred first), reimbursement was 90 percent of the FY 88/89 rate paid for inpatient hospitalization treatment of AIDS at the state's Charity Hospital in New Orleans without inclusion of disproportionate share amounts. Following 12 months participation or after 20 percent occupancy was achieved, the facil-

ity was required to provide a proposed budget reflecting anticipated costs at 20 percent occupancy. This budget was used to establish the interim rate subject to review and approval by the agency, utilizing Medicare principles for determining allowable costs for SNF facilities. When the facilities reached the 40 percent, 60 percent or 85 percent occupancy level, the facility was required to provide a proposed budget reflecting anticipated costs at 40 percent occupancy, 60 percent occupancy, or 85 percent occupancy level. This budget was used to establish the interim rate for the higher occupancy level, subject to review and approval by the agency, utilizing Medicare principles for determining allowable cost for nursing facility services. Increases in occupancy triggered a downward adjustment in the client per diem to reflect the approved budget at the appropriate occupancy level. No adjustment was made if the occupancy level declined following the attainment of the 20 percent, 40 percent, 60 percent or 85 percent thresholds. Facilities were required to submit cost reports at the end of each 12 month period. Providers were required to segregate SN/ID costs from other long term care costs in their annual cost report or submit a separate cost report for SN/ID services. No duplication of costs was allowed. All rates were subject to annual cost settlement following Medicare principles for determining allowable costs for nursing facilities and capped at 90 percent for the FY 88/89 rate paid for inpatient hospitalization treatment of AIDS at the state's Charity Hospital in New Orleans without inclusion of disproportionate share amounts.

Previous payment levels and reporting requirements for nursing facility services for patients with AIDS were determined to be a barrier to the provision of services. The state is amending the rate mechanism to a flat-rate methodology with reimbursement at the rate of \$230.05 per diem. Emergency rulemaking implementing this change is necessary in order to assure delivery of necessary services and prevent imminent peril to the health and welfare of AIDS patients in need of nursing facility services. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953(B), were previously exercised effective February 11, 1991 and published in the *Louisiana Register*, Vol. 17, Number 2, page 161 on February 20, 1991 relative to this provision.

EMERGENCY RULE

Reimbursement for Skilled Nursing Facility Services for Infectious Disease (SN/ID) shall be capped at \$230.05 per diem, subject to the established SN payment limitations, standards for participation, and standards for payment with the additional requirements for this Title XIX provider type. At the end of the facility's cost reporting period, the facility shall file a separate long-term care facility cost report or segregate such costs from other nursing services provided, which cost report shall be subject to audit. When audited cost is below the per diem limit, the bureau shall charge back the calculated overpayment amount. No additional payment shall be made for audited cost which exceeds the per diem cap. All participating facilities will be expected to work closely with the bureau to insure that services are provided at the most cost-effective rate.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Title XIX Medicaid Program. The rule was previously adopted by emergency rulemaking and published in the February 20, 1991 issue of the *Louisiana Register* (Volume 17, Number 2, page 161).

To avoid denial of skilled nursing services to Medicaid eligible individuals diagnosed with Acquired Immune Deficiency Syndrome due to lack of bed space, the Bureau of Health Services Financing adopted changes in the Facility Need Review Program allowing review of free-standing beds for patients diagnosed with AIDS. Currently there are no beds so designated in the state. The emergency rule allows for issuance of Request for Proposals to provide facility beds for these patients and review of these proposals based on methodology detailed in the policies and procedures for Facility Need Review.

Emergency Rule

The policies and procedures for Facility Need Review dated January 20, 1991 are revised to reflect the following change in Section 12502 - Determination of Bed Need:

The following Subsection D. is inserted after Subsection C. (page 12):

D. Skilled Nursing Facility - Infectious Disease Beds (Beds for AIDS Patients)

1. The service area for SNF-ID beds, for Medicaid planning purposes, is the state.

2. There shall be no more than 50 free-standing SNF-ID beds statewide.

3. Beds which are counted in determining need shall include all free-standing SNF-ID beds which have been approved under the Facility Need Review Program.

4. The department, in order to determine if beds are in fact needed, may review the census data, utilization trends, and other factors such as special needs in an area, information received from other health care providers and other knowledgeable sources in the state, waiting lists in existing facilities, requests from the community, patient origin studies, appropriateness of placements in an area, availability of alternatives, and such other factors as the department may deem relevant.

5. In order for beds/facilities to be added in the state, the department will determine whether beds are needed, and if indicated, may issue a Request for Proposal (RFP) to develop the needed beds.

6. The RFP will indicate:

a. The number of beds needed, the date by which the beds are needed to be available to the target population (enrolled in Medicaid), and the factors which the department considers relevant in determining need for the beds.

b. The RFP will be issued through the press (AP, UPI, major metropolitan area newspaper), and will specify the dates during which the department will accept applications.

c. No applications will be accepted under these provisions unless the department declares a need and issues a request for proposal. Applications will be accepted for expan-

sions of existing facilities and/or for the development of new facilities.

d. Applications will be accepted for a 30-day period, to be specified in the RFP. Once submitted, an application cannot be changed; additional information will not be accepted.

e. The department will review the proposals and independently evaluate and assign points (out of a possible 100) to the applications, as follows:

0-20 pts: Availability of beds to the Title XIX population

- time frame for construction and/or Medicaid certification; and

- availability of site for the proposal.

0-20 pts: Appropriateness of location, or proposed location

- accessibility to target population;

- relationship or cooperative agreements with other health care providers; and

- distance to nearest acute care hospital.

0-20 pts: Availability of funds; financial viability.

0-20 pts: Responsiveness to special needs of patients.

0-20 pts: Experience and availability of key personnel (i.e. Director of Nursing, Administrator, Medical Director).

f. If no proposals are received which adequately respond to the need, the department may opt not to approve an application.

g. At the end of the 60-day review period, each applicant will be notified of the department's decision to approve the application with the highest number of points. All applicants will be given a breakdown of points for each factor in each application. An applicant may appeal the assignment of points to his own application. Applicants will be given 30 days from the date of receipt of notification by the department in which to file an appeal. (Refer to Section 12505 c., Appeal Procedures.)

h. The issuance of the approval of the application with the highest number of points shall be suspended during the 30-day period for filing appeals and during the pendency of any administrative appeal and judicial review. All administrative appeals shall be consolidated for purposes of the hearing.

i. Proposals submitted under these provisions are bound to the description in the application with regard to the site/location, and to the type of beds and/or services proposed. Approval for Medicaid certification shall be revoked if these aspects of the proposal are altered.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

SUMMARY

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

Section 6402 of the Omnibus Budget Reconciliation Act of 1989 requires that payments are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population. Based on a review of anesthesiology provider participation in the state's Title XIX program as well as a review of the reimbursement structure for anesthesiology services, the bureau has determined that less than 50 percent of the state's licensed anesthesiologists are actually enrolled in the Medicaid program. In order for the bureau to comply with mandatory federal statute provisions, the reimbursement level for anesthesia services was increased effective September 1, 1990. This emergency rule was previously published in the *Louisiana Register* on September 20, 1990, Volume 16, No. 9, and on January 20, 1991, Volume 17, No. 1.

This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

EMERGENCY RULE

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

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

I. Formula Determining Payment for Anesthesia Services

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

If there are additional minutes remaining when time units are computed, then reimbursement will only be paid for five minute intervals. When one unit = 15 minutes and the coefficient is \$15, reimbursement will be paid at the rate of \$5 for each additional five minute interval. When one unit = 15 minutes and the coefficient is \$8.49, reimbursement will

be paid at the rate of \$2.83 for each additional five minute interval. When one unit = 30 minutes and the coefficient is \$15, reimbursement will be paid at the rate of \$2.50 for each additional five minute interval. Remaining minutes less than five will not be reimbursed.

II. Certified Registered Nurse Anesthetists (CRNAs)

Payment Schedule

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

Modifier AH Base Units + Time Units (1 = 15 minutes) × \$8.49 = Payment

Modifier AI Base Units + Time Units (1 = 15 minutes) × \$15 = Payment

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

III. Concurrent Medical Direction by the Anesthesiologist

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

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

Modifier AA (Anesthesiologist working alone) Base Units + Time Units (1 = 15 minutes) × \$15 = Payment

Modifier AB (Direction of two CRNAs) Base Units - 10% + Time Units (1 = 30 minutes) × \$15 = Payment

Modifier AC (Direction of three CRNAs) Base Units - 25% + Time Units (1 = 30 minutes) × \$15 = Payment

Modifier AD (Direction of four CRNAs) Base Units - 40% + Time Units (1 = 30 minutes) × \$15 = Payment

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

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

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

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

V. Reimbursement for Maternity-Related Anesthesia

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

The surgeon or delivering physician will be reimbursed when he initiates the epidural procedure with inclusion of the appropriate procedure with inclusion of the appropriate procedure code modifier.

The anesthesiologist or CRNA who is called in to continue administering the anesthesia after the epidural was inserted will be reimbursed for the continued administration of the anesthesia modifier. Anesthesia and operative reports must substantiate the modifier utilized.

Anesthesiologists and/or CRNAs may not bill for both continued administration and general anesthesia.

David Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Title XIX Medicaid Program. The rule was previously adopted by emergency rulemaking and published in the October 20, 1990 issue of the *Louisiana Register* (Volume 16, Number 10, page 842) and re-published in the February 20, 1991 *Louisiana Register* (Volume 17, Number 2, page 161).

Currently, hospitals providing Title XIX services, including those in rural areas, are reimbursed based on allowable costs, subject to a per discharge limitation or per diem limitation for certain special care units. The department is utilizing emergency rulemaking to change the reimbursement methodology for rural hospitals with 60 beds or less which has a service municipality with a population of 20,000 or less. Effective for admissions November 1, 1990, rural hospitals which meet this criterion will be reimbursed for inpatient hospital services based on allowable costs as defined by Medicare principles of reimbursement. The effective date was changed as a result of discussions with the Health Care Financing Administration.

The department's intent in making this change in reimbursement methodology for rural hospitals is to enhance and assure access to medical care for eligible Medicaid recipients in rural areas of the state. In addition, this change, while providing additional reimbursement to these facilities, is expected to result in an overall cost savings as patients will be provided services in these rural hospitals when appropri-

ate services are available, rather than being referred to large urban hospitals where the costs are higher. The change will also permit reasonable and necessary increases in costs to meet those additional costs engendered by medical manpower shortages in rural areas as well as higher transportation costs for supplies and equipment.

RULE

The reimbursement for inpatient hospital services to rural hospitals with 60 beds or less which has a service municipality with a population of 20,000 or less shall be based on allowable costs as defined by Medicare principles of reimbursement. Cost per discharge limitations shall not be applied to these facilities.

Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

Medicaid currently reimburses for inpatient hospital services allowable costs subject to a cost per discharge limit. However, because of the long lengths of stay and intensive services, this reimbursement does not adequately address the costs of hospitals providing services to patients with traumatic brain injury (TBI). In-state hospitals capable of providing inpatient services to TBI patients are reluctant to accept these patients due to the adverse effect on their over-all reimbursement. Therefore, effective for services July 1, 1991 and after, the reimbursement for head injury patients shall be handled separately as a "carve-out unit" and shall not be subject to the cost per discharge limit applicable to non-carve-out unit admissions. This will address the additional costs of such facilities. This emergency rule will then ensure the availability of treatment in-state for traumatic brain injury Medicaid patients. Thus, imminent peril to the health and welfare of these individuals due to non-availability of these services will be avoided.

Emergency Rule

Effective for services provided to traumatic brain injury patients who are Medicaid eligible, the Bureau of Health Services Financing shall revise Medicaid reimbursement for hospital inpatient services to provide for such services to be reimbursed as a carve-out unit subject to Medicare principles of allowable costs. Such services shall not be subject to the cost per discharge limitation applicable to non-carve-out unit admissions. Hospitals must maintain separate accounting and other documentation for such admissions and services

as to permit audit of the costs related to such services. Additional cost reporting forms must be completed as designated by the department.

Implementation of the rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to adopt the following rule in the Aid to Families with Dependent Children (AFDC) Program.

Emergency rulemaking is necessary to provide immediate financial assistance and medical benefits to children in low-income households who are eligible for inclusion in an existing AFDC certification as essential persons. These children were included as essential persons and eligible for AFDC benefits prior to January 1989. At that time the Department of Health and Human Services issued new federal regulations identifying possible essential persons that did not include these unrelated children. Subsequent federal court cases have held those regulations to be in conflict with Section 402(a) (7) (A) of the Social Security Act which was interpreted as providing states with the authority to identify the categories of individuals who may be recognized as essential persons. Pursuant to Action Transmittal No. FSA-AT-91-1, the Department of Social Services is proceeding to reinstate this category.

Emergency Rule

Louisiana will exercise the option to provide AFDC to children who are not within the required degree of relationship for AFDC but who live in the home of an AFDC recipient and who meet all other AFDC eligibility requirements. These "essential persons" may be included in an existing AFDC certification at the request of a recipient. Such assistance cannot be provided unless there is an otherwise eligible assistance unit.

May Nelson
Secretary

DECLARATION OF EMERGENCY

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employ-

ees Group Benefits Program intends to amend its rules relative to the conditions for acceptance of school boards into the State Employees Group Benefit Program. This rule went into effect on May 16, 1991, and will remain in effect for 120 days. The Board of Trustees is adopting this rule through a notice of intent in the June, 1991 issue of the *Louisiana Register* in order to ensure a proper participation level by employees of those systems enrolling in the State Employees Group Benefit Program, as follows:

Emergency Rule

On October 17, 1979, the Board of Trustees of the State Employees Group Benefits Program adopted a resolution relative to the conditions for acceptance of new groups into the State Employees Group Benefits Program.

This resolution was amended on November 7, 1979, and November 20, 1983; and it is now necessary to amend these rules and regulations to conform with the present practices of the board.

Upon the effective date of the adoption of the rules and regulations enumerated in this resolution, the resolution of the board on October 17, 1979, as amended on November 7, 1979 and November 20, 1983, is hereby superseded and amended to read as follows:

Groups enrolling in the State Employees Group Benefits Program must submit the following information and agree to the following conditions. These groups must:

1. Complete an adoption instrument, which instrument must be received by the executive director prior to the mutually-agreed upon effective date of coverage.

2. Submit a complete list of employees providing name, social security number, sex, date of birth, date of employment, dependency class, salary, and indication of prior coverage: one such list for active employees, and another for retired employees receiving retirement income under an approved state retirement program.

3. Provide a statement of experience on the attached form.

4. Provide a certified copy of the board resolution or authority to enter into negotiations for coverage.

5. Agree to pay the program any terminal reserves or refunds that might be available now or in the future from their present plan.

6. Acknowledge that before benefits become effective that the enrollment of employees must be completed with a participation level of at least 85 percent of the plan members who had participated in the previous plan. Enrolling groups must further acknowledge that should its participation level at any time following the initial enrollment fall below 50 percent of its eligible employees, the board may, in its sole discretion, discontinue coverage for the group.

7. Accept the whole plan of benefits, including the health and accident coverage and the full schedule of life insurance benefits. The board may, in its sole discretion, discontinue the coverage of those groups whose participation level falls below 50 percent of eligible employees.

In determining the participation level of employees and eligible dependents, the following classification of dependents shall not be included in calculating the participation level:

1. dependents who are covered by any other group type major medical coverage;

2. dependents of active or retired military personnel covered by military medical benefits;

3. dependents covered by Medicaid or Medicare or their successor programs; and

4. dependents whose coverage is declined based on religious convictions.

The board, for purposes of establishing rates and premiums, may group risks into one or more classifications. The rates and premiums adopted for each classification shall take into consideration the loss experience in the classification, as well as other relevant factors. If a school board elects to participate in the state group health and accident insurance program after participation in another group health and accident program, the premium rate applicable to teachers and other school board employees and former employees intended to be covered by the program shall be the greater of the premium rate based on the loss experience of the group under the prior plan or the premium rate based on the loss experience of the classification into which the group is entering and shall be for a period of no longer than one year. The rates so fixed shall not be excessive, inadequate, or unfairly discriminatory, and shall be uniform within such classification.

There shall be no pre-existing condition limitations on the group's employees who enroll for coverage during the open-enrollment period.

Tommy D. Teague
Acting Executive Director

DECLARATION OF EMERGENCY

Department of the Treasury Bond Commission

The State Bond Commission amended the commission's rules as originally adopted on November 20, 1976. The commission amended Rule No. 15 of the original commission rules and increased the maximum amount of authorized lines of credit as follows:

15. *Line of Credit* - an authorization to a state agency to proceed with a project and draw from the State Treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the commission shall be \$150,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold, lines of credit have been granted, or a certificate of impossibility and impracticality has been issued for all projects of higher priority as stated in the comprehensive capital budget adopted by the Legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the commission shall deem an item to be an emergency matter.

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

Prior to the execution of any contract or agreement obligating the expenditure of monies received by any state department of agency or other entity from line of credit funds, the attorney general's office shall be requested to review

such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds thereunder is for the purpose of furthering the applicable project adopted by the Legislature. If given, such prior approval by the attorney general's office shall be in writing to the appropriate state department, agency or other entity with a copy to be furnished to the State Bond Commission.

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

All approvals of lines of credit shall be conditioned on compliance by the state department, agency or other entity with the aforementioned procedure, and it shall be their duty to request approval from the attorney general's office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit, and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the commission to the attorney general's office and the district attorney's office.

This emergency rule is necessary to ensure continued construction and funding of all projects heretofore begun and contained in Priority 1, Priority 3 and Priority 4 of the current Capital Outlay Act, Act No. 853 of the 1990 Regular Session of the Louisiana Legislature. This rule is effective immediately and will remain in effect for 120 days.

Rae W. Logan
Director

DECLARATION OF EMERGENCY

Department of the Treasury Deferred Compensation Commission

The Department of the Treasury, Deferred Compensation Commission, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to amend Article, III, Section I, Paragraph (b) of its rules relative to the definition of minimum deferrals.

Exercise of the emergency rule adaptation procedure is necessitated by reason of the July 1, 1991 deadline of the United States Social Security Administration for employees subject to Social Security to substitute a deferred compensation plan for Social Security coverage.

Article III, Section 1(b) of the rule of the Deferred Compensation Commission is amended, for a period not to exceed 120 days, as follows:

The minimum amount of Compensation deferred under a Deferral authorization shall be no less than \$20 each month; provided, however, that such minimum deferral shall not apply to a Participant whose Deferral Authorization (or similar form) in effect on October 1, 1984, permitted a small deferral, nor to a Participant who elects to defer not less than 7.5 percent of Compensation (voluntary and/or involuntary

contributions) in lieu of Social Security coverage (Section 11332 of the Social Security Act and Section 3121 of the IRC).

Kenneth C. DeJean
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 56:967 of the Administrative Procedure Act and under the authority granted to the secretary of the Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission on May 2, 1991, the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following rule:

Emergency Rule

The opening of the 1991 spring inshore shrimp season in Zone One, that portion of Louisiana's inshore waters as described in R.S. 56:495 from South pass of the Mississippi River to the Louisiana/Mississippi state line, has been delayed one week and is now scheduled to open at 6 a.m. Thursday, May 30, 1991.

The secretary finds that shrimp sizes in Zone One will not meet the department's management criteria, of 50 percent or more being larger than 100 count, until May 30, 1991.

A. Kell McInnis III
Acting Secretary

Rules

RULE

Department of Economic Development Board of Architectural Examiners

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners adopts §1117 in accordance with a notice of intent published in the *Louisiana Register*, Vol. 17, No. 2 dated February 20, 1991 as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part I. Architects

Chapter 11. Administration

§1117. Continuing Education Accreditation

A. The Louisiana State Board of Architectural Examiners at the time of granting a new license, or upon renewal of a license, shall issue a certificate of Board Continuing Ed-

education Accreditation to every architect who has furnished evidence of having achieved the board's requirements for such continuing education accreditation.

B. The term, "Louisiana Board Continuing Education Accredited" followed by the current year, when used after the name of an architect licensed to practice in Louisiana, shall mean that the architect is recognized by the board as having attained continuing education credits currently required by rules of the board.

C. Continuing Education Credits

For each hour of verified credit and in a Group I Program the candidate for continuing education credits will receive credit for .1 Continuing Education Unit (CEU). For each hour of non-verified credit in Group I or Group II Programs the candidate for continuing education credits will receive credit for .1 CEU. To qualify for Board Continuing Education Accreditation as provided in this part an architect, currently in good standing with the board, must furnish proof of not less than one verified CEU from Group I Mandatory Subject Programs and not less than one verified or non-verified CEU from either Group I Mandatory Subject Program or Group II Elective Subject Programs. Only CEUs earned within the 12 months prior to application for license renewal will be recognized.

The term "verified credit" applies to continuing education units earned by the successful completion of a board approved continuing education program where a board approved program sponsor verifies participation.

The term "non-verified credit" applies to continuing education units earned by the successful completion of a continuing education program other than those which have received prior board approval.

One CEU is the equivalent of ten contact hours of instruction. CEUs may be expressed in tenths, e.g., 16 contact hours = 1.6 CEUs. A contact hour consists of at least 50 minutes of instruction. Contact refers to time learners spend with an instructor or with learning materials such as with self-study programs or computer assisted instruction.

D. Continuing Education Programs

Continuing education programs shall consist of Group I Mandatory Subjects including issues of life safety, construction technology and law and Group II Elective Subjects including subjects dealing with professional practice enhancement and areas of specialized interest.

The board shall annually promulgate an official Summary of Continuing Education Program Subjects to accomplish its continuing education objectives. Copies of the board's current Summary of Continuing Education Program Subjects are available upon request.

1. Verified Credit Programs

Course sponsors who propose to offer continuing education for verified credits shall submit the following information on forms provided by the board for approval by the board.

a. Course sponsor: Name, address, phone number;

b. Course description: Detailed description of subject matter and course offering; length of instructional period; instruction format (lecture, seminar, conference, workshop, homestudy); presentation method (electronic, visuals, printed materials).

c. Course instructor/leader/participant: Names, addresses and phone numbers of instructor/leader/participants; educational and professional credentials for each; professional references.

d. Time, place and cost: Date, time and location of course offerings; attendance fees and cost of course materials.

e. Course completion verification: Sponsor's method for verifying attendance, participation and achievement of program learning objective.

f. Course information dissemination: Method for informing architects of program offering.

2. Non-verified Credit Programs

An architect who wishes to receive credit for non-verified credits for continuing education activities under Group I or Group II programs, shall furnish the following information to the board on the program description forms provided by the board.

a. Architect applicant: Name, address, phone number.

b. Course description: Detailed description of subject matter and course offering; length of instructional period; instruction format (lecture, seminar, conference, workshop, homestudy); presentation method (electronic, visuals, printed materials).

c. Course instructor/leader/participant: Names, addresses, and phone numbers of instructor/leader/participants; educational and professional credentials for each; professional references.

d. Time, place and cost: Date, time and location of course offerings

e. Course completion verification: When available.

E. Board Approval

The board shall have the authority to approve or disapprove verified and non-verified credit program offerings based on the appropriateness of the proposed program, the length of actual instruction time provided and on the degree to which they improve the architect's abilities in dealing with issues of safety of life, health and property and of public welfare.

The board shall not have the authority to disapprove earned CEUs of a verified credit program.

Special consideration will be given to programs which help to remedy problems in connection with newly discovered risks and risks for which there are few or no available courses in existing architectural curricula in Louisiana.

F. Recording of Continuing Education Credits

The board shall provide forms for the recordation of continuing education credits and candidates for board continuing education accreditation shall submit the complete form along with credit verification for verified credit programs or program description form for non-verified credit programs either at the time of initial registration or annually along with the license renewal application. The board will not accept partial submittals from candidates at other times during the year and will not accumulate a record of CEUs for candidates as they are accrued.

The board shall maintain the record of CEUs of architects who are awarded the board continuing education accreditation for a period of five years provided, however, the board may dispose of the files of any architect whose license has expired for longer than one year.

To cover the actual cost of administering the voluntary Board Continuing Education Accreditation Program, candidates shall be required to pay to the board a fee of \$25 per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 17: (June 1991)

Mary "Teeny" Simmons
Executive Director

RULE

**Department of Economic Development
Board of Architectural Examiners**

Under authority of LA R.S. 37:144 and in accordance with the provisions of LA R.S. 49:951 et seq., the Board of Architectural Examiners adopts §1115 in accordance with a notice of intent published in the *Louisiana Register*, Vol. 17, No. 2 dated February 20, 1991, as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects**

§1115. Interpretation of LA R.S. 37:152(B)

Specifications, drawings, or other related documents will be deemed to have been prepared either by the architect or under the architect's responsible supervision only when:

1. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the architect, or the architect's employee as long as the employee works in the architect's place(s) of business;
2. the architect supervises the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion;
3. the architect reviews the final plans, specifications, drawings, reports or other documents; and
4. the architect has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 17; (June 1991).

Persons seeking further information on this rule may submit written inquiry to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

RULE

**Department of Economic Development
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners amends LAC 46:I.Chapter 13 in its entirety in accordance with a notice of intent published in the

Louisiana Register, Vol. 17, No. 2 dated February 20, 1991, as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part 1. Architects**

**Chapter 13. Titles, Firm Names, and Assumed Names
§1301. Misleading and Confusing Names Prohibited**

The statutory authorization for architects to offer to the public the practice of architecture and the rendering of architectural services is not an authorization to hold out as an architect any person who is not registered by the board. An architect shall not practice architecture under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing. For example, a firm whose name contains only the real name or names of individuals who are not licensed to practice architecture is considered misleading if it holds itself out as practicing architecture or renders architectural services, even if said firm employs a licensed architect or architects.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739 (October 1984); amended in its entirety by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1303. Architects' Responsibility

As a licensed professional, it is the responsibility of the architect to select and use a name which is neither misleading nor confusing. In case of doubt, an architect should first consult the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739 (October 1984); amended in its entirety by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1305. Use of Term "Architect", "Architecture", or "Architectural"

Except as set forth in §1309, whenever the term "architect", "architecture", or "architectural" is used in a firm name, or whenever a firm includes its name in any listing of architects or of firms rendering architectural services, the name of a licensed architect followed by the title "architect" must be included either as a part of the firm title itself or a licensed architect must be identified in the listing, publication, announcement, letterhead or sign.

Allowed:	Not Allowed:
Smith & Jones, Architecture & Planning John Smith, Architect	Smith & Jones, Architecture & Planning (unless Smith and Jones are both licensed architects engaged in the active practice of architecture)
Smith & Jones, Architecture & Engineering John Smith, Architect	Smith & Jones, Architecture & Engineering (unless Smith and Jones are both licensed architects engaged in the active practice of architecture)
Design Professionals Architecture & Planning John Smith, Architect	Design Professionals Architecture & Planning

Allowed:

Heritage Architectural Services
John Smith, Architect
John Smith, Architect, and Associates

Not Allowed:

Heritage Architectural Services

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739 (October 1984); amended in its entirety by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1307. Use of the Plural Term "Architects"

Except as set forth in §1309, if the firm title indicates that the firm contains two or more architects, the names of at least two licensed architects followed by the title "architect" must be included either as a part of the firm title itself or at least two licensed architects must be identified in the listing, publication, announcement, letterhead, or sign.

Allowed:

Communications Architects
John Smith, Architect
Jack Jones, Architect
Smith & Jones, Architectural Services
John Smith, Architect

Not Allowed:

Communications Architects

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739 (October 1984); amended in its entirety by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1309. Firm Name Which Includes Names of Licensed Architects Only

A firm name which includes only the name or names of licensed architects engaged in the active practice of architecture is not required to include the name of a licensed architect followed by the title "architect" as a part of the firm title in any listing, publication, announcement, letterhead, or sign.

Allowed:

John Smith & Associates, Architects (if John Smith is a licensed architect engaged in the active practice of architecture)
Smith & Jones, Architects (if Smith and Jones are both licensed architects engaged in the active practice of architecture)
Smith & Jones Architecture (if Smith and Jones are both licensed architects engaged in the active practice of architecture)
John Smith & Associates, Architecture & Planning (if Smith is a licensed architect engaged in the active practice of architecture)

Not Allowed:

John Smith & Associates, Architects (unless John Smith is a licensed architect engaged in the active practice of architecture)
Smith & Jones, Architects (if Jones is deceased, retired, or not licensed by this board)
Smith & Jones Architecture (if Jones is deceased, retired, or not licensed by this board)

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:739 (October 1984); amended in its entirety by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1311. Use of "AIA"

The use of "AIA", in and of itself, is not an acceptable

substitution for the required title "architect" on every listing, publication, announcement, letterhead, business card, and sign used by an individual practicing architecture in connection with his practice.

Allowed:

John Smith, Architect
John Smith, Architect, AIA

Not Allowed:

John Smith, AIA

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1313. Use of the Term "Associate"

An architect may only use the word "associate" in the firm title to describe a full-time officer or employee of the firm. The plural form may be used only when justified by the number of associates who are full-time firm employees. An architectural firm using the plural form, but which loses an associate or associates so that it is no longer able to do so, is not required to change its name for a period of two years from the departure of the associate. Identification of the associate in the firm title, listing, publication, letterhead, or announcement is not required.

Allowed:

John Smith & Associates, Architecture & Planning
John Smith, Architect
John Smith & Associates, Architect
John Smith, Architect

Not Allowed:

John Smith & Associates, Architects (if the firm employs only one associate as defined herein)

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1315. Sole Proprietorship, Partnership, Group, or Association

The firm name of any form of individual, partnership, corporation, group, or associate practice must comply with all of the rules set forth in this Chapter.

Allowed:

John Smith, Architect
John Smith, AIA, Architect
John Smith, Architect, AIA
John Smith & Associates, John Smith, Architect
Smith & Jones, Architect & Engineer
John Smith, Architect

Not Allowed:

John Smith
John Smith, AIA

Smith & Jones, Architect & Engineer (if Smith and Jones are both licensed architects engaged in the active practice of architecture)

Smith & Jones, Architects & Engineer (if either Smith or Jones are not licensed architects engaged in the active practice of architecture)

Smith & Jones, Architects (if either Smith or Jones are not licensed architects engaged in the active practice of architecture)

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1317. Professional Architectural Corporation

The corporate name of a professional architectural corporation registered with this board must comply with R.S. 12:1088.

Allowed:

Smith & Jones, A Professional Architectural Corporation
Smith & Jones, Architects, A Professional Architectural Corporation
Heritage Architects, A Professional Architectural Corporation

Not Allowed:

Smith & Jones, Inc.
Smith & Jones, A Professional Interior Architectural Corporation

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991). (June 1991).

§1319. Architectural-engineering Corporation

The corporate name of an architectural-engineering corporation registered with this board must comply with R.S. 12:1172.

Allowed:	Not Allowed:
Smith & Jones, An Architectural-Engineering Corporation	Smith & Jones
Smith & Jones, Inc.	
Heritage Architects, Ltd.	

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1321. Fictitious Name

For the purposes of these rules, a fictitious name is any name other than the real name or names of an individual. Any individual, partnership, corporation, group, or association may practice architecture under a fictitious name provided the name complies with all of the rules of this Chapter.

Allowed:	Not Allowed:
Heritage Architecture	Heritage Architecture
John Smith, Architect	
Architectural Design	Architectural Design
John Smith, Architect	
Architectural Design Consultants	Architectural Design Consultants
John Smith, Architect	John Smith, Architect
Jack Jones, Architect	
Heritage Architects, A Professional Corporation	
John Smith, Architect	

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1323. Practicing in a Firm with Other Professionals

An architect who practices in a firm with one or more engineers, land surveyors, landscape architects, interior designers, or other professionals in an allied profession is permitted to use in the firm title a phrase describing the professions involved such as "Architect and Engineer", "Architects, Engineers, and Surveyors", etc. provided: (1) the title does not hold out to the public as an architect any person who is not registered by the board; (2) the name of any allied professional in the firm title is practicing in accordance with the applicable statutes and regulations that govern the practice of that allied profession; and (3) the title complies with all the rules of this Chapter.

Allowed:	Not Allowed:
Smith & Jones, Architect & Engineer	Smith & Jones, Architect & Engineer
John Smith, Architect	
Smith & Jones, Architects & Engineers	
John Smith, Architect	
Jack Jones, Architect	

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1325. Deceased or Retired Member; Predecessor Firms

An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. If a firm chooses to include in any listing of architects a deceased or retired member, a deceased or retired member should be so identified.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1327. Unlicensed Persons

Unlicensed persons cannot use the term "architect", "architectural", "architecture" or anything confusingly similar to indicate that such person practices or offers to practice architecture, or is rendering architectural services. A person who has obtained a degree in architecture may not use the title "graduate architect".

Allowed:	Not Allowed:
Designer	Architectural Designer
Draftsman	Architectural Draftsman
Building Designer Products	Architectural Building Designer

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1329. Intern Architect

A person who: (1) has completed the education requirements set forth in NCARB Circular of Information No. 1; (2) is participating in or who has successfully completed the Intern Development Program ("IDP"); and (3) is employed by a firm which is lawfully engaged in the practice of architecture in this state may use the title "intern architect" but only in connection with that person's employment with such firm. The title may not be used to advertise or offer to the public that such person is performing or offering to perform architectural services, and accordingly such person may not include himself in any listing of architects or in any listing of persons performing architectural services. Such person may use a business card identifying himself as an "intern architect", provided such business card also includes the name of the architectural firm employing such person.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1331. Business Cards

The business card of an architect should comply with all of these rules including that the user thereof is identified as an "architect".

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

§1333. Effective Date

The effective date of these rules shall be two years after publication of the adoption thereof in the *Louisiana Register*. In the interim, all architects shall take any necessary steps to conform their business cards, stationery, listings, signs, etc. to these rules.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:144 and R.S. 37:145.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners LR 17: (June 1991).

Mary "Teeny" Simmons
Executive Director

RULE

Department of Economic Development Board of Examiners of Certified Shorthand Reporters

The Louisiana Board of Examiners of Certified Shorthand Reporters is hereby amending Part XXI, Chapters 3, 6 and 9 of the Louisiana Administrative Code as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXI. Certified Shorthand Reporters

Chapter 3. Examinations

§301. Applications for Examination

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q & A at 200 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 200 wpm; or participate in a equivalent qualifying test administered by the board on a date designated by the board. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned his application and shall forfeit his application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:530 (August 1988), LR 16:393 (May 1990), LR 17: (June 1991).

Chapter 6. Continuing Education

§607. Maintenance of Record

E. The board shall send notice on a quarterly basis to all Louisiana certified shorthand reporters and certified general reporters of all seminars, workshops and other educational sessions approved by the board for continuing education credits. Said quarterly notices shall be conditioned upon the board approving and receiving notice of said seminars, workshops and other educational sessions at least 120 days prior to same being held. The board shall not be responsible for notification of said seminars, workshops and

other educational sessions if the organization sponsoring same fails to notify the board timely; however, this does not prohibit approval of seminars for credit submitted to the board less than 120 days prior to same being held. No notice shall be sent by the board to certified shorthand reporters and certified general reporters except on a quarterly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters in LR 17:33 (January 1991).

Chapter 9. Fees

§901. Fees

I. The fee to be paid for the qualifying test of Q & A at 200 wpm shall be \$25, which fee shall be refundable upon completion of the qualifying test, or forfeited should the applicant fail to appear for the taking of said qualifying test.

J. The fee to be paid for an NSF check issued to the board shall be \$15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:679 (October 1983), amended LR 10:269 (April 1984), amended by the Department of Economic Development, LR 17:34 (January 1991), LR 17: (June 1991).

Judge Robert L. Lobrano
Chairman

RULE

Department of Economic Development Office of Financial Institutions

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Office of Financial Institutions hereby adopts the following rule.

Title 10

BANKS AND SAVINGS AND LOANS

Part VII. Consumer Credit

Chapter 1. Application for Supervised Loan/Insurance Premium Financing License

The application appears as Exhibit A.

EXHIBIT A

APPLICATION FOR SUPERVISED LOAN/INSURANCE PREMIUM FINANCING LICENSE

PUBLIC SECTION

Pursuant to the provisions of La. R.S. 9:3558, application is hereby made by

(name of License holder)

to the Commissioner of Financial Institutions for a license to engage in the business of making supervised loans under the provisions of the Louisiana Consumer Credit Law (La. R.S. 9:3510, et seq.).

1. Name under which applicant finance company will operate.

Is this a "d/b/a" trade name? _____ If so, please provide documentation certifying its registration as required by La. R.S. 51:281, et seq.

2. State the permanent physical address from which consumer loan activities will be conducted, including mailing address if different from permanent address.

Permanent physical address:

Mailing address:

Business Telephone Number () _____

3. Will the applicant finance company be operated as a () corporation, () partnership, () association, or () sole proprietorship?

4. Name and residence address of individual(s) who will act as manager:

Name

Address

Describe the work experience of the proposed Manager which qualifies him/her for the position:

5. Name and location of principal banking facility used by finance company:

6. Is the applicant licensed as an insurance company or agency?
 Yes No

Does the applicant's parent entity, subsidiary entity, or an affiliated entity or person hold a license as an insurance company or agency?
 Yes No

If you answered yes to either question, state the name of such insurance company or agency, its relationship to the applicant, and all states in which it is licensed.

7. If a corporation:

a. Indicate whether domestic, foreign, or alien.

b. An applicant which is a corporation must provide copies of the following:

- (1) the certificate of incorporation and, for a corporation chartered for more than one year, a certificate of good standing from the Secretary of State of Louisiana, or other appropriate registration authority for foreign or alien corporations;
- (2) articles of incorporation;
- (3) any amendments to the articles of incorporation; and
- (4) most recent annual report made to the Secretary of State, or other appropriate registration authority.

c. List all Directors of the corporation. (Attach additional sheet, if needed.)

_____	_____
_____	_____
_____	_____

d. List all Officers by name and office held. (Attach additional sheet, if needed.)

e. Is the applicant corporation a subsidiary of any other companies?
()Yes ()No

If Yes, provide the following information about the parent company(s):

(Name)

(Address)

If applicant's parent company is a corporation, state where and when incorporated.

f. Name and address of agent for service of process:

(Name)

(Full physical address for service of process)

8. If a partnership:

a. Type of partnership: ()general, ()limited, () in commendam
()other [out of state - Explain _____]

b. Name of each general partner:

c. A verified copy of the partnership agreement or articles must be included with this application.

9. If an association:

a. State the nature and purposes of the association. _____

b. List the members of the association. _____

c. Provide a verified copy of the association agreement.

10. If a sole proprietorship, state the name and residence address of the owner:

Name

Address

11. Provide name, address and telephone number of the person completing this application and indicate where s/he can be reached during the application process.

(Name)

(Address)

(Telephone number)

12. A certified copy of the resolution of the Board of Directors (if a corporation), partners (if a partnership), or majority of the members (if an association) designating and authorizing the persons executing this application to do so, must be included with the application.

13. The applicant finance company or principals (owner, sole proprietor, partners, directors, officers, association members, trustees, etc.) has operated or is operating the following finance companies in Louisiana: State where each is/was located.

14. Is the applicant operating any other finance companies outside of Louisiana? _____ If so, identify the other states in which the applicant operates finance companies.

15. Has the applicant, or any principal (owner, sole proprietor, partner, director, officer, association member, trustee, etc.) ever declared bankruptcy or been adjudicated a bankrupt? () Yes () No

If yes, please state which of the above persons declared bankruptcy or was adjudicated a bankrupt, and the date of such action.

16. Identify and designate the applicant's agent for service of any legal process or notice from Office of Financial Institutions. Your agent must be a Louisiana resident. You must identify a physical address for such service.

Name	Address

17. Does the applicant, any of its principals, or its subsidiary or parent companies intend to carry on, engage in, or permit any business other than making supervised loans to be conducted at the licensed location? _____
If so, list and describe such other businesses.

18. Identify all other business, professional or occupational licenses including those issued by any regulatory authority, which are held by the applicant or any of its principals.

19. Does the applicant own any interest in any corporation or other business which has a financial or business relationship with the applicant? _____
If so, state the names of such other corporations or businesses and the percentage of interest held by the applicant in each.

20. Do you understand that any false or misleading statement made in this application may be grounds for denial, revocation or suspension of the supervised loan license? _____

CONFIDENTIAL SECTION

- 21. Provide current certified financial statements for the proposed licensee.
- 22. Provide a letter from your bank certifying that the applicant has at least \$25,000 unencumbered cash in the bank, per licensee, and state the account number of such account.
- 23. For each principal (owner, sole proprietor, partner, director, officer, association member, trustee, etc.) and the manager of the applicant, provide the following information. Please provide complete names. Attach additional sheet, if necessary.

Name	Residence Address	Social Security No.	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 24. For corporations which are not traded on a public stock exchange: on a separate sheet, provide a complete list of all stockholders, indicating the number of shares held by each.
- 25. Has the applicant, any of the principals, or any person with power to direct the management or policies of the applicant:
 - a. Ever been arrested, charged, indicted, convicted or had other disposition, of any criminal charge under any state or federal law other than a traffic violation? As used herein, "convicted" means a finding of guilt, including a plea of guilt or of nolo contendere, or imposition of sentence, or both. Yes No
 - b. Ever been held liable for fraud in any civil suit? Yes No

If you answer yes to any of these questions, provide complete details on a separate sheet.
- 26. State whether the applicant, any parent or subsidiary company of the applicant, any of the applicant's principals, the manager, or any person with power to direct the management or policies of the applicant:
 - a. Has ever been denied a license to engage in any trade, occupation, business or profession by any governmental authority, or had such license suspended or revoked? Yes No
 - b. Is currently subject to investigation by any federal or state regulatory or law enforcement agency? Yes No

- c. Has ever been subject to any regulatory action, including, but not limited to, liquidation or receivership by any state or federal agency, or having its license to engage in the business of making consumer loans suspended or revoked, or its application to engage in such business denied, by the primary regulatory agency responsible for enforcing the consumer credit laws of any other state?
 Yes No

If yes to any of the above, provide complete details on a separate sheet.

27. Was all or any portion of its "start-up" cash acquired by the applicant by the issuance of notes, debentures, or other evidence of indebtedness or investment? Yes No

If yes, provide complete details, including the name and address of all holders of each indebtedness, the total dollar amount of indebtedness held by each of them, the name of the persons who sold each indebtedness, and the relationship, if any, between the purchasers and their seller. An opinion from an attorney licensed by the state in which any indebtedness was issued must be included, stating whether the form and issuance of the indebtedness is in compliance with federal securities laws and with state securities laws of each state in which debentures were sold. Please indicate whether the sellers of any such indebtedness in Louisiana are registered in Louisiana. If not, the opinion should state that no registration was required, and why.

28. Provide applicant's Federal Employer Identification Number _____.

Prepared this _____ day of _____, 19____.

(Name of Company)

By: _____

(Title)

STATE OF LOUISIANA
PARISH OF _____

Before me, the undersigned authority, personally came and appeared _____
_____, who declared under oath that s/he is the _____
_____ of _____,

that s/he is authorized to complete the attached application for Supervised
Loan/Insurance Premium Financing License, and that all statements and
representations made in the foregoing application are true and correct to the
best of his/her knowledge, information and belief.

(Signature)

Sworn to and subscribed before me on this the _____ day of _____, 19__.

(Notary Public)

(Print name of Notary Public)

AUTHORITY TO OBTAIN INFORMATION FROM OUTSIDE SOURCES

(A separate sheet must be signed by each principal)

State of Louisiana

Parish of _____

BEFORE ME, the undersigned notary public, personally came and appeared

_____ who, after being duly sworn by me, notary, did depose and say that s/he hereby authorizes the Office of Financial Institutions, State of Louisiana, to make inquiries from any financial institution, credit bureau or law enforcement agency for the purpose of determining his/her financial responsibility, character and fitness in connection with an application for a license to engage in the business of making supervised loans under the name of _____.
This document was executed on the _____ day of _____, 19____.

Affiant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 19____.

Notary Public

(Print name of Notary Public)

Lynda A. Drake
Deputy Commissioner and Acting
Commissioner of Financial Institutions

RULE

Department of Economic Development Office of Financial Institutions

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Office of Financial Institutions hereby adopts the following rule.

Title 10

BANKS AND SAVINGS AND LOANS

Part VII. Consumer Credit

Chapter 3. Records Retention

§301. Licensed Lenders

A. Recordkeeping. The following records are to be maintained by each licensed lender at its licensed location in compliance with the provisions of R.S. 9:3554(H) and R.S. 9:3561(A) of the Louisiana Consumer Credit Law.

1. The original or a copy of ALL documentation signed by the consumer, including, but not limited to:

- a. note;
- b. disclosure statement;
- c. financing statement (or equivalent).

2. Individual account of the borrower (ledger card or printable computer screen) showing the following:

- a. amount of loan;
- b. origination date;
- c. repayment terms;
- d. insurance charges, whether sold in connection with

the loan or not;

- e. total finance charge;
- f. annual contractual percentage rate;
- g. date, amount and application of each payment;
- h. date and amount of late charges assessed;
- i. date and amount of deferral charges;
- j. remaining unpaid balance;
- k. due date of first payment;
- l. all changes in due date of payment.

3. All paid out accounts (including those paid out by renewal) must be filed separately and contain the following:

- a. interest rebate;
- b. itemized rebate of all insurance premiums.

4. Accounts turned over to an attorney for collection:

a. amount paid to attorney, including court costs and attorney fees shown as separate charges;

b. receipt from Clerk of Court, evidencing court costs.

5. Accounts reduced to judgment:

a. same documents as for attorney accounts;

b. receipt from Clerk of Court, evidencing any additional court costs;

c. copy of signed judgment.

6. Death claims:

a. copy of death certificate;

b. copy of all checks or other evidence of payment received from insurance company in payment of claim;

c. copy of check evidencing payment to secondary beneficiary, where applicable.

7. Insurance records:

a. copy of master policy for each type of insurance sold to consumers;

b. copy of rates approved by the Insurance Rating Commission, except for those established by the Louisiana Consumer Credit Law;

c. lenders will be expected to provide proof of compliance with the licensing provisions as set out by the commis-

sioner of insurance;

d. proof of remittance of premiums to the insurance underwriter.

8. Paid out accounts containing errors cited at the previous examination:

a. must be separately filed or identified;

b. must contain proof of correction of error, including copies of refund checks issued to consumers.

9. Evidence of indebtedness or investment: Provide a complete list of the holders of all notes, debentures, or other evidence of indebtedness or investments by the licensee, including the following:

a. name and address of each holder;

b. amount of debt held by each;

c. date of obligation;

d. due date;

e. interest rate;

f. amount of delinquent interest;

g. amount of interest added back to obligation.

10. Any other records that may be deemed necessary by the Office of Financial Institutions to determine compliance with the provisions of the Louisiana Consumer Credit Law.

B. Period for retention of records. All records must be retained for at least three years after account is paid in full unless required by law to be retained for a longer period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3554(H) and 9:3561(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 17: (June 1991).

Lynda A. Drake
Deputy Commissioner and Acting
Commissioner of Financial Institutions

RULE

Department of Economic Development Racing Commission

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§705. Apprentice's Contract

Any person over the age of 16...

A.-B. ...

C. Where all parties to the contract agree an apprentice jockey contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 150.

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 2:431 (December 1976), repromulgated LR 3:27 (January 1977), LR 4:267 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17: (June 1991).

Claude P. Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 746

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published March 20, 1991 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the following rule:

Amendment to Bulletin 746
Louisiana Standards for State
Certification of School Personnel

Delete the following:

"Students formally enrolled in a program of graduate study in psychology in a regionally accredited institution in Louisiana during the 1982-83 school year may, upon graduation, apply for certification in school psychology according to either the current or previously adopted criteria."

AUTHORITY NOTE: R.S. 17:7.1.

HISTORICAL NOTE: LR 17: (June 1991).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Amendments to Salary Schedule
for State Technical Institutes

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published March 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Amendment to Bulletin 1868, *BESE Personnel Manual*
Chapter D: Employee Compensation
Section 145: Vocational-Technical System
NOTE: Extension rate shall be \$20 per hour.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Amendments to Bulletin 1877
Implementation Guide for LTIP/LaTEP

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published March 20, 1991 and under the authority contained in the Louisiana State Constitution (1974, Article VIII, Section 3, Act 800 of the 1979 Regular Session), adopted as a rule, pages 16, 17, 21, 22, 23, 25, 26, and 40 of Bulletin 1877,

Implementation Guide for LTIP/LaTEP. These pages were among pages of Bulletin 1877 which were adopted as an emergency rule and printed in full in the February, 1991 issue of the *Louisiana Register*.

AUTHORITY NOTE: R.S. 17:3727 et seq. R.S. 17:3881.

HISTORICAL NOTE: LR 17: (June 1991)

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

8(g) Annual Program and Budget, FY 1991-92

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published March 20, 1991 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the 8(g) Annual Program and Budget for FY 1991-92. See March issue of the *Louisiana Register* for complete text of program and budget.

AUTHORITY NOTE: LA Constitution, Art. VII, Section 10.1, R.S. 17:3801.

HISTORICAL NOTE: LR 17: (June 1991).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Vocational and Vocational-Technical Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published March 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 15. Vocational and Vocational-Technical Education

§1523. Students

A. - D. ...

E. Fees for Louisiana Residents

* * *

17. The State Board of Elementary and Secondary Education authorizes the State Department of Education to negotiate a fee with industries to conduct special extension classes based on a minimum fee that would be charged in a program with an enrollment of a minimum of 10 students.

* * *

20. Technical institute director shall allow a maximum of 10 minutes per instructional hour for instructional preparation/administration purposes. Example: 30-hour course - the institute director shall grant five hours (30 hours x 10 minutes = 300 minutes/5 hours) for instructional/administrative purposes.

§1527. Courses: Classes: Programs: Visits

C. Course Titles; Classes; Time Requirements

* * *

2.a To initiate a full-time day program, the program must have a minimum enrollment of 12 full-time students or to initiate a full-time day program with less than 12 full-time students, the program must have prior approval of the State Board of Elementary and Secondary Education. An exception to this policy is the program with a student enrollment that must meet the enrollment policy of another regulatory agency or board.

2.b To initiate an extension program, the program must have a minimum enrollment of 10 students or to imitate an extension program with less than 10 students, the program must have prior approval of the Assistant Superintendent, State Department of Education, Office of Vocational Education.

AUTHORITY NOTE: R.S. 17:1991.1

HISTORICAL NOTE: LR 17: (June 1991).

Carole Wallin
Executive Director

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Lender of Last Resort Policy

The Louisiana Student Financial Assistance Commission (LASFAC) institutes a Lender of Last Resort Policy as required by CFR 682.401(c).

Policy Section, Chapter V -7.0

Lender of Last Resort Policy

A. School Participation

1. A student attending any Louisiana institution shall be encouraged to attempt to obtain a student loan with a lender with whom he already has an account relationship. The borrower shall then attempt to obtain a loan from at least one other lender participating in the student loan program. In each case, the student shall obtain a letter of rejection from each lender, thus demonstrating the student's need to use the services of the guaranty agency to obtain a loan.

2. If more than 5 percent of the students at a given institution require the services of a lender of last resort, the school shall be considered a high risk institution. As such, additional information must be provided to students seeking assistance from that institution. Therefore, the school shall be required to submit its default reduction plan to the guaranty agency and provide a consumer fact sheet to prospective students as prescribed in Appendix D of the federal regulations.

B. Agency Participation

1. Lender of last resort loans shall be handled directly by the guaranty agency. The Office of Student Financial As-

sistance (OSFA) will assign the lender to be used on a case-by-case basis to assure portfolio balance among lending institutions participating in the program.

C. School Requirements

1. The student applying for a lender of last resort loan shall be continuously enrolled and remain in good standing for at least 30 days prior to the disbursement of funds.

2. The school must verify all borrower reference information for accuracy prior to submitting the application to OSFA for approval.

D. Audit Requirements

1. Yearly compliance audits shall be conducted by OSFA for any school which uses a lender of last resort and has a USDE cohort default rate of 20 percent or greater or according to federally mandated requirements. The program review will verify that all information provided on the student fact sheet was correct, as well as examining the school's compliance with federal default regulations. If it is found that the school is unable to substantiate the information on the fact sheet or has provided inaccurate or misleading information, LASFAC will initiate immediate limitation, suspension or termination actions against the school in question.

Jack L. Guinn
Executive Director

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

**Waiver of Certain Eligibility Requirements
for Certain Out-of-State Schools**

The Louisiana Student Financial Assistance Commission (LASFAC) grants the executive director authority to use professional judgment in authorizing the limited program participation of certain out-of-state schools.

When dealing with out-of-state schools who request participation in our program in order to serve a limited number of Louisiana students attending their institution, Policy 4 may be waived whenever the following conditions are present:

1. The school must be an out-of-state institution;

2. It must be a school which offers programs which have a duration of two years or more; and

3. No more than five applications may be submitted for processing from this institution without requiring the school to submit the information required in Policy 4 if the school is not a four-year public or private institution. If the school in question is a four-year public or private college or university, there shall not be a limit established on the number of applications we will process for Louisiana residents.

If these three conditions are met, the commission is at limited risk. Allowing the processing of applications from out-of-state institutions in these cases shall benefit the students of Louisiana who choose to pursue their higher education goals outside of the state.

Jack L. Guinn
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship Eligibility and Selection Criteria Revision

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends rules establishing the scholarship eligibility and selection criteria for the T.H. Harris, Rockefeller and Paul Douglas scholarships and adopts the name, "Louisiana Tuition Assistance Plan" (TAP), as the official title of the Louisiana College Tuition Plan, previously referred to as the "Taylor Plan."

T. H. HARRIS STATE ACADEMIC SCHOLARSHIP

Program Overview

The T. H. Harris Scholarship is a state scholarship which is awarded competitively for academic achievement to Louisiana high school graduates enrolling at certain state supported colleges and universities.

Initial Standards

To be eligible for consideration of a T. H. Harris Scholarship award, the applicant must meet all of the following requirements:

1. be a U.S. Citizen or National;
2. be a resident of the state of Louisiana;
3. be registered with Selective Service, if required;
4. not be in default on an educational loan nor owe a repayment on an educational grant or scholarship;
5. have applied for state student aid by completing and submitting the state's designated application by the specified deadline;
6. graduate from a Louisiana public or private high school;
7. enroll as a first-time full-time undergraduate student in the fall term of the award year at an eligible Louisiana state college or university;
8. have earned a minimum cumulative grade point average of 3.0 on a 4.0 scale for all grades completed at time of application and upon high school graduation;
9. have taken the ACT or SAT and received test score results; and
10. agree that proceeds, if received, will be used for educational expenses.

Continuation Standards

Once named a T.H. Harris Scholar, to continue to receive award funds the recipient must meet all of the following requirements:

1. By the completion of the spring term, have earned at least 24 hours total credit during the fall, winter and spring terms at an institution defining 12 semester or eight quarter hours as the minimum for full-time undergraduate status.
2. Achieve a cumulative grade point average of at least 3.0 at the end of the first academic year and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year.
3. Continue to enroll as a full-time student at the same institution unless granted an exception for cause or approval for transfer of award by OSFA.

Annual Awards

The annual award to a T.H. Harris Scholar is \$400, with a cumulative maximum award, assuming the recipient maintains eligibility, of \$2,000 for five years of study. Funds are disbursed by check to the student through the school's

financial aid office. Recipients receive \$200 each fall and spring term, less any applicable award fees, provided that eligibility is maintained and sufficient program funds are available. Failure to maintain eligibility will result in cancellation of the scholarship.

ROCKEFELLER STATE WILDLIFE SCHOLARSHIP

Program Overview

The Rockefeller Scholarship is a state program which offers competitively awarded scholarships to high school graduates, college undergraduates and graduate students majoring in forestry, wildlife or marine science. The recipient agrees to attain a degree in one of the three eligible fields at a Louisiana public college or university offering such degrees or repay scholarship funds plus interest.

Initial Standards

To be eligible for consideration of a Rockefeller Scholarship award, the applicant must meet all of the following requirements:

1. be a U.S. Citizen or National;
2. be a resident of the state of Louisiana;
3. be registered with Selective Service, if required;
4. not be in default on an educational loan nor owe a repayment on an educational grant or scholarship;
5. have applied for state student aid by completing and submitting the state's designated application by the specified deadline;
6. enroll as a full-time student in a course of study leading to the award of a graduate or undergraduate degree in forestry, wildlife or marine science from a Louisiana public college or university;
7. if at the time of application has earned less than 24 hours of graded college credit since graduating from high school, then must have earned at least a cumulative high school grade point average of 2.5 on a 4.0 scale for all grades completed at time of application and upon high school graduation AND have taken the ACT or SAT and received test score results;
8. if at the time of application has earned 24 or more hours of graded college credit, then must have achieved at least a 2.5 cumulative college grade point average; and
9. agree that proceeds, if received, will be used for educational expenses.

Continuation Standards

Once named a Rockefeller Scholar, to continue to receive award funds the recipient must meet all of the following requirements:

1. By the completion of the spring term, earned at least 24 hours total credit during the fall, winter and spring terms at an institution defining 12 semester or eight quarter hours as the minimum for full-time undergraduate students OR earn at least 18 hours total credit during the fall, winter and spring terms at an institution defining nine semester hours as the minimum for full-time graduate status;
2. Achieve a cumulative grade point average of at least 2.5 at the end of the first academic award year and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;
3. Continue to enroll as a full-time student at the same institution unless granted an exception for cause or approval for transfer of award by OSFA; and
4. Complete and sign a promissory note each term prior to receipt of funds.

Annual Awards

The annual award to a Rockefeller Scholar is \$1,000, with a cumulative maximum award, assuming the recipient maintains eligibility, of \$7,000 for up to five years of undergraduate and two years of graduate study. After receipt by OSFA of the recipient's signed promissory note, funds are disbursed by check to the student through the school's financial aid office. Recipients receive \$500 each fall and spring term, less any applicable award fees, provided that eligibility is maintained and sufficient program funds are available. Failure to maintain eligibility will result in cancellation of the scholarship and may result in repayment of all scholarship funds received plus interest.

PAUL DOUGLAS TEACHER SCHOLARSHIP (PDTs)
Program Overview

The Paul Douglas Teacher Scholarship is a federally funded program which offers competitively awarded scholarships to students seeking a teaching career at the preschool, elementary school or secondary school level. Both undergraduate students and post-baccalaureate students enrolling in a teacher certification program may be awarded. The recipient agrees to teach two years for each year of funding provided or repay the scholarship plus interest.

Initial Standards

To be eligible for consideration of a Paul Douglas Teacher Scholarship award, the applicant must meet all of the following requirements:

1. be a U. S. Citizen or National;
2. be a resident of the state of Louisiana;
3. be registered with Selective Service, if required;
4. not be in default on an educational loan nor owe a repayment on an educational grant or scholarship;
5. have applied for federal and state student aid by completing and submitting the state's designated application by the specified deadline;
6. enroll as a full-time student in the fall term of the award year at a nationally accredited public or private college or university in a course of study leading to certification as a teacher at the preschool, elementary school or secondary school level;
7. graduate in the top 10 percent of the high school graduating class or have a minimum GED test composite score of 62 (10 percent equivalent);
8. if at time of application has earned less than 24 hours of graded college credit since high school graduation, then must meet both of the following requirements:
 - a. have taken ACT or SAT and received test score results, achieving at least 23 on ACT administered 10/89 or later; or 22 on ACT administered 9/89 or earlier; or 920 on SAT;
 - b. have earned a minimum cumulative high school grade point average of 3.0 on a 4.0 scale for all grades completed at time of application and upon high school graduation;
9. if at the time of application has earned 24 or more hours of graded college credit, then must have achieved at least a 3.0 cumulative college grade point average; and
10. agree that award proceeds, if received, will be used for educational expenses.

Continuation Standards

Once named a Paul Douglas Teachers Scholar, to continue to receive award funds the recipient must meet all of the following:

1. continue to enroll as a full-time student in the same

curriculum at the same institution unless granted an exception for cause or approval for transfer of award by OSFA;

2. maintain satisfactory academic progress as determined by the institution the recipient is attending; and
3. complete and sign a promissory note each term prior to receipt of funds.

Annual Awards

The annual award to a Paul Douglas Scholar is \$5,000, which may be reduced as award funds may not exceed the recipient's cost of attendance. The cumulative maximum award, assuming the student maintains eligibility, is \$20,000 for up to four years of study. After receipt by OSFA of the recipient's signed promissory note, funds are disbursed by check to the student through the school's financial aid office. Recipients receive \$2,500 each fall and spring term provided that eligibility is maintained and sufficient program funds are available. Failure to maintain eligibility may result in cancellation of the scholarship and repayment of all scholarship funds plus interest.

LOUISIANA TUITION ASSISTANCE PLAN (TAP)
Program Overview

The Louisiana Tuition Assistance Plan (TAP) Program, formerly referred to as the Louisiana College Tuition Plan and the "Taylor Plan," which was first awarded in the fall of 1989, provides tuition exemption to Louisiana residents who attend public colleges and universities and who meet specific academic standards and financial need criteria.

Initial Standards

To be eligible for a waiver of tuition and mandatory fees at a public college or university in Louisiana, the applicant must meet the following requirements:

1. have actually resided in Louisiana during the 24 months preceding college or university enrollment;
2. have parent(s) or guardian who is a domiciliary of Louisiana;
3. have graduated from high school within the two years preceding the application;
4. have no criminal record other than misdemeanor traffic violations;
5. enroll full-time at a Louisiana two-year or four-year public institution of higher education as a first-time full-time undergraduate student;
6. have applied for federal student aid and TAP by completing and submitting the designated federal and state application(s) by specified deadline;
7. be registered with Selective Service, if required;
8. be a U.S. Citizen or National;
9. demonstrate financial need in the following way: the family has a two-year average adjusted gross income of less than \$25,000 plus \$5,000 for each additional child under the age of 21;
10. have earned a minimum high school cumulative grade point average of 2.5 calculated on a 4.0 scale;*
11. have attained a composite score of at least 20 on the enhanced ACT test or 18 on the ACT administered prior to October 1989;* and
12. have successfully completed 17.5 units of high school coursework constituting a core curriculum as follows:*

UNITS	COURSE	UNITS	COURSE
1	English I	1	American History
1	English II	1	World History, World Culture, Western Civilization or World Geography
1	English III		

UNITS	COURSE	UNITS	COURSE
1	English IV	1	Civics and/or Economics/ Free Enterprise
1	Algebra I	1	Fine Arts Survey; or
1	Algebra II	2	units Performance Arts of Music and/or Dance and/or Theatre; or 2 units of Studio Art
1	Geometry, Trigonometry Calculus or Comparable Advanced Math	2	In the same Foreign Language
1	Biology I	1/2	Computer Science, Computer Literacy or Data Processing
1	Chemistry I	1	Elective from the courses listed
1	Earth Science, Environ- mental Science, Physical Science, Biology II, Chemistry II or Physics		

*The Louisiana Tuition Assistance Plan allows the waiving of tuition and required fees for some students who meet all the nonacademic requirements, meet at least TWO of the following THREE academic requirements in full [high school grade point average (2.5); high school core courses (17.5 units); ACT composite (enhanced 20) (old 18)] and meet the third academic requirement within 10 percent [high school grade point average (2.25 - 2.5); high school core courses (16 units-17.5 units); or ACT composite (enhanced 18-20) (old 16-18)]. Course availability at the high school(s) attended will also be taken into consideration through academic year 1991-92.

Continuation Standards

To maintain continued state payment of tuition once enrolled in a college or university, the recipient must meet all of the following requirements:

1. Make steady academic progress toward an undergraduate degree earning not less than 24 hours total credit during the fall, winter and spring terms at an institution defining 12 semester or eight quarter hours as the minimum for full-time undergraduate status;
2. Maintain continuous enrollment for not less than two semesters or three quarters in each successive academic year, unless granted an exception for cause by OSFA;
3. have a cumulative grade point average of at least 2.5 calculated on a 4.0 scale at the end of the first academic year and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;
4. have no criminal record except for misdemeanor traffic violations;
5. be found to be in financial need; and
6. annually apply for federal student aid.

Award Amounts

The annual award amount for TAP varies since it is based on the actual tuition charges of individual state institutions. There is currently no established cumulative maximum award amount or limitation on the number of terms or academic years a recipient may receive this entitlement. Institutions, after submitting vouchers to OSFA, are reimbursed each term for the tuition and fees waived for TAP recipients. Failure to maintain eligibility will result in permanent cancellation of the recipient's entitlement.

Definition of a Louisiana Resident

Any person who has resided in the state of Louisiana continuously during the 12 months immediately prior to the date of application and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated by compliance with all of the following:

1. if registered to vote, is registered to vote in Louisiana;
2. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;
3. if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle; and
4. if earning an income, has complied with state in-

come tax laws and regulations.

Additional Residency Requirements for the Louisiana Tuition Assistance Plan

An applicant for the Louisiana Tuition Assistance Plan (TAP), in addition to meeting the requirements for a Louisiana Resident (above), must also meet the following qualifications:

1. has actually resided in Louisiana during the 24 months preceding college or university enrollment; and
2. has a parent or guardian who is a domiciliary of Louisiana.

Jack L. Guinn
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Program Rules

The Louisiana Student Financial Assistance Commission (LASFAC) amends scholarship and grant program rules. A rule published in the *Louisiana Register*, Volume 15, Number 8, August 20, 1989, instituted a fee to offset state general fund budget cuts. The rule needs revision because:

1. It is illegal for the commission to charge an award fee for federally funded Title IV scholarship and grant programs. Therefore, no award fee is being charged (nor was such charged during academic year 1989-90) to recipients of the State Student Incentive Grant (SSIG) and the Paul Douglas Teacher Scholarship (PDTs); however a \$5 per award check donation is solicited from PDTs recipients.

2. A recommended \$31,000 increase in the state general fund budget for 1991-92, with a corresponding decrease in self-generated funds, to replace the award fees charged students is to be considered by the budget office.

Scholarship/Grant Program Rules

1. Funding for all scholarship/grant programs is limited to the fall, winter and spring school terms. Awards will not be made for attendance during the summer sessions.

2. The Office of Student Financial Assistance (OSFA), (LASFAC) may charge a variable fee not to exceed \$10 for each award check processed for recipients of the T. H. Harris and Rockefeller Scholarships. This fee will be charged only if the Louisiana Legislature fails to appropriate sufficient state general funds for administration of these programs. The commission, at its discretion, may automatically deduct the fee from each scholarship award check.

3. Louisiana Tuition Assistance Plan (TAP) eligibility requirements include that the applicant must:

- a. apply by the deadline;
- b. be a U.S. Citizen or National; and
- c. be registered with Selective Service, if required.

Jack L. Guinn
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship Merit Ranking Formula

The Louisiana Student Financial Assistance Commission (LASFAC) hereby establishes formulas for the merit ranking of scholarship applicants. These formulas provide for the equating of scores for high school graduating seniors and college students.

Formula I - Utilized for applicants with less than 24 hours of college credit earned.

$$\frac{\text{HSGPA}}{4.00} \times 60 + \frac{\text{ACT}^*}{35} \times 40 = \text{MERIT SCORE}$$

Formula II - Utilized for applicants with 24 or more hours of college credit earned.

$$\frac{\text{COLLEGE GPA}}{4.00} \times 95 + \frac{\text{COLLEGE LEVEL}}{4} \times 5 = \text{MERIT SCORE}$$

*SAT and ENACT scores are converted to ACT equivalent.

Jack L. Guinn
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Trade, Occupation and Professional Licensing Requirement

The Louisiana Student Financial Assistance Commission (LASFAC) hereby adopts rules implementing Act 689 of the Regular 1990 Session of the Louisiana Legislature, which requires the denial, revocation and/or issuance of a conditional license to those individuals who have defaulted on a student loan guaranteed by this agency.

Act 689 of the 1990 legislative session amended present law and added new law. Prior to its enactment, state boards, commissions, and other licensing agencies had the discretionary authority to promulgate rules for the denial of occupational licenses, permits, and certificates for applicants who had defaulted on student loan repayment obligations. The amended law now makes the withholding mandatory as well as creating a new class of conditional license. The statute requires the commission to adopt rules and regulations establishing the criteria and procedures for withholding of licenses.

A license applicant is subject to having his license withheld if he has not met the criteria for acceptable payment arrangements as determined by OSFA. The applicant may appeal the withholding of his license to OSFA. Applicants may file an appeal in accordance with prescribed appeal procedures, copy of which may be obtained from OSFA at the address indicated below.

Applicants for license or renewal who have defaulted on their student loans and are currently making or subsequently make acceptable arrangements to meet payments on their accounts are subject to being issued a conditional li-

cence pending loan repayment in accordance with their repayment schedule.

Appeal Procedure

Adverse discretionary decisions made by the Office of Student Financial Assistance may be appealed to the Louisiana Student Financial Assistance Commission. Petitions for appeal must be in writing and filed within 30 days of notice of the decision or, if no notice is given, within 30 days from becoming aware of or the date the aggrieved party should have been aware of the adverse decision. The appeal must be addressed to the executive director, Office of Student Financial Assistance and sent to Box 91202, Baton Rouge, LA 70821-9202 or hand delivered to 8401 United Plaza Boulevard, Suite 250, Baton Rouge, LA. Appeals may not be supplemented or amended after the lapse of 30 days. An appellant has the right to file a written appeal or have his/her appeal heard orally. Requests for an oral hearing must be made within the 30-day time period to file the appeal.

If no request for an oral hearing is made, then the appellant may submit documentation and/or written memorandum to support his/her appeal at least 15 days prior to the review of the commission or the appeal committee appointed by the commission. Appellant will be notified at least 30 days prior to the date of the review by the commission or the appeal committee appointed by the commission. The commission or the appeal committee will review all the evidence submitted and render a decision.

If the appellant requests an oral hearing, then appellant will be given at least 30 days prior notice of the hearing. The commission shall appoint a hearing officer to hear the appeal of the appellant. All hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act R.S. 49:955 et seq.

If after the review of the appeal committee or after a hearing held before the hearing officer a decision adverse to the appellant is made, then appellant may seek to have the decision reviewed by the full commission. The application for review must be made within 15 days of appellant receiving notice of the decision. The appellant may submit exceptions, written arguments or briefs to support the application for review. No oral hearing shall be held at this level of review. All action is stayed pending review by the full commission. If the full commission denies the application for review, then the action becomes final as of the date of the denial for review. If the full commission denies the application for review then it shall set a hearing date to review the decision of the hearing officer.

The appellant may seek a rehearing of an adverse decision made by the full commission. The request for rehearing must conform to the provisions and time limits set by R.S. 49:959. An application for rehearing does not stay any action taken by commission.

Oral Hearing

All hearings shall be held pursuant to the provisions of the Administrative Procedure Act R.S. 49:955 et seq. On the day of the oral hearing appellant and appellee shall be prepared to start the hearing at the time specified in the notice of hearing. The hearing may be continued for good cause provided a written request for extension is received at the commission at least seven days prior to the date of the hearing. All parties will be notified of a rescheduling or postponement of the hearing. Failure to be present at the hearing and ready to proceed may result in an adverse decision against

the non-appearing party. Strict rules of evidence will not apply in these hearings. The appellant shall have the following rights at the hearing:

1. the right to present testimony, introduce evidence, and call witnesses on his/her behalf;
2. the right to cross exam witnesses called by the agency;
3. the right to subpoena witnesses;
4. the right to take depositions;
5. prior to the hearing the appellant has the right and will be given the opportunity to review agency records that are relevant to his/her appeal and make copies of those records at a cost of \$.20 per page; and
6. the right to be represented by counsel.

Jack L. Guinn
Executive Director

RULE

Department of Elections and Registration Commissioner of Elections

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and under the authority of R.S. 36:662, R.S. 18:21, and R.S. 18:1371, the Department of Elections and Registration hereby adopts the rules and regulations detailed below which govern the procurement, management, and control of all voting machine storage and drayage:

Title 31 ELECTIONS

Part III. Procurement

Chapter 7. Procurement of Voting Machine Storage and Drayage Services

Subchapter A. General Provisions

§701. Authority and Duties of the Commissioner of Elections

A. The commissioner of elections shall have the authority and responsibility to promulgate rules and regulations governing the procurement, management, and control of all voting machines storage and drayage required and set forth in Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

B. The chief procurement officer of the Department of Elections and Registration shall be the commissioner of elections.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§703. Delegation of Authority

The commissioner of elections may delegate in writing certain responsibilities set forth herein, however, he shall review any action taken by his designee.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§705. Delegation of Signature Authority

A. The commissioner of elections or his designee shall sign all contracts for storage and drayage of voting machines.

B. This delegation of signature authority must be in writing.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§707. Definitions

A. *Drayage* means the transporting or cartage of voting equipment as directed by the commissioner of elections.

B. *Storage* means the depositing of voting machines and related parts and equipment for safekeeping between elections as approved by the commissioner of elections.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§709. Revised Statutes

A. These regulations shall be read and interpreted jointly with R.S. 39:1551 et seq.

B. A rule or regulation shall not change any explicit contract provision, commitment, right or obligation of the state, or of a contractor under a state contract in existence on the effective date of that rule or regulation. However, to the extent possible, existing contracts shall be construed in conformity with these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with Article IV Section 12 of the Constitution, R.S. 18:21, R.S. 18:1371, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

Subchapter B. Competitive Sealed Bidding

§711. Invitation for Bids, Public Notice, and Bid Opening

A. All contracts for the storage or for the drayage of voting machines shall be awarded by competitive sealed bidding on a parish-by-parish basis. For drayage, bids will be opened by voting machine district in alphabetical order by parish name on seven consecutive working days.

B. Competitive sealed bidding shall be accomplished by sending out written notices to persons known to be able to provide the department's requirements, and by advertising in accordance with R.S. 39:1594 at least 20 days prior to bid opening.

1. Written notices shall be mailed to those persons who have previously requested an Invitation for Bids for said parish within the previous four years.

2. The written notices and advertisements shall announce the type of contract; the parish for which the contract is required; the method of acquiring an Invitation for Bids; and the date, time, and place of bid opening.

3. Advertisements shall be published in the state official journal and in the official journal of the parish in which

the contract is required.

C. The Invitation for Bids shall contain:

1. complete description of the space or transportation required;
2. all applicable terms, conditions, and other requirements;
3. types and limits of insurance required;
4. bid and performance bonding requirements; and
5. factors which will be used to determine responsibility of bidders.

D. Bids shall be publicly opened and read as specified in the Invitation for Bids in the presence of one or more witnesses. Bidders and the public may be present at any bid opening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21, R.S. 18:1371, R.S. 39:1594, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§713. Bid Evaluation

Bids shall be evaluated based on adherence to the specifications, terms, and conditions listed in the Invitation for Bids. The vendor must list any deviations from these specifications, terms, or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1594(E) and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§715. Responsibility of Bidders

A. The commissioner of elections or his designee may make reasonable inquiries to determine the responsibility of prospective contractors. In making his determination, the following factors will be considered:

1. has available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability to meet all contractual requirements;
2. has a satisfactory record of performance on previous state contracts and with other persons;
3. has a satisfactory record of integrity and compliance with the law;
4. is qualified legally to contract with the state of Louisiana (Prior to award of any contract, the successful bidder shall affirm by affidavit that he/she and/or the principal officers of a corporation are not currently under any felony conviction.); and
5. has not unreasonably failed to supply any information requested by the commissioner of elections in establishing responsibility.
6. the commissioner of elections may establish other standards provided that they are set forth in the Invitation for Bids.

B. Each bidder who is determined to be nonresponsible shall be notified in writing. Such notification shall state all reasons for disqualification, and give each bidder who is proposed to be disqualified, a reasonable opportunity to refute the reasons for disqualification at an informal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1601 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§717. Correction or Withdrawal of Bids

A. Obvious errors or errors supported by clear and convincing evidence may be corrected, or bids may be withdrawn, if such correction or withdrawal does not prejudice other bidders and such actions may be taken only to the extent permitted under regulations.

1. Any bid may be withdrawn prior to bid opening.
2. Minor informalities or insignificant mistakes may be waived or corrected if such will not prejudice other bidders (i.e. the effect on price, quantity, quality, delivery, or contractual conditions is not significant). The commissioner of elections may waive any informalities or allow corrections by bidders if it is in the best interest of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1594(F) and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§719. Bid Guaranty and Bond

A. If specified in the Invitation for Bids, a bond, certified check, or money order payable to the Department of Elections and Registration in the amount of five percent of the bid must accompany each bid submitted.

B. If a bidder withdraws his bid after bid opening, without complying with LAC 31:III.717 above, or fails to execute a contract within 10 days of request, the bid bond or other security shall be forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§721. Performance Bond

A. If specified in the Invitation for Bids, the bidder awarded the contract must submit a performance bond or letter of credit in the penal sum of one and one-half times the contract price made payable to the Department of Elections and Registration.

B. The performance bond shall be written by a surety or insurance company currently on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the *Federal Register*.

C. If a contractor fails to perform in accordance with contractual obligations, the contractor forfeits the performance bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2219, R.S. 39:1581, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§723. Forfeiture of Bonds

Actions by bidders causing forfeiture of bonds as stated in §719 and §721 above shall be cause for removing said bidders from the department's bid list and will support a determination of nonresponsibility for the bidder and its principals for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§725. General Guaranty

Contractor agrees:

A. to maintain all insurance required in the Invitation for Bids during the term of the contract;

B. to pay all taxes, permits, licenses and fees; to give all notices and comply with all laws, ordinances, rules, and regulations of each city and/or town in the parish in which the contractor is performing his duties, and of the state of Louisiana;

C. to protect the state from loss in case of an accident or mishandling by contractor's employees; and

D. to make available the equipment, labor, insurance, etc. for drayage of voting machines at times other than for elections. Such prices to be determined by competitive bidding in accordance with small purchase provisions of the procurement code and subsequent applicable executive orders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§727. Award

A. All contracts shall be awarded to the lowest responsive and responsible bidder within 30 days of bid opening.

1. A responsive bidder means a person who has submitted a bid which conforms in all substantive respects to the Invitation for Bids, including the specifications set forth in the invitation.

2. The award shall be made by unconditional acceptance of a bid without alteration or correction, except as authorized in LAC 31:III.717.

B. If a bidder who is the lowest responsive and responsible bidder declines to accept the contract, the award may be made to the next lowest bidder or the solicitation may be cancelled and re-advertised if it is determined that resolicitation is in the best interest of the state. Any bidder who has declined to accept the contract previously offered shall be ineligible to bid on the subsequent solicitation. A bidder who declines a contract or fails to produce an acceptable performance bond may also be debarred from future bidding.

C. In the case of "Tie Bids", award shall be made in a manner that will discourage future "Tie Bids". A written justification for the determination of award must be made by the commissioner of elections.

D. In-state bidders shall be preferred to out-of-state bidders on a reciprocal basis when there is a tie bid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1594, R.S. 39:1595(I), and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§729. Rejection of Bids; Cancellation of Solicitations

A. The commissioner of elections reserves the right to reject any and all bids when it is in the best interest of the state of Louisiana.

1. Reasons for rejecting a bid include, but are not limited to:

a. A determination of nonresponsibility has been made against a bidder.

b. The bid is not responsive (i.e. it did not meet specifications or comply with terms and conditions).

2. Reasons for cancelling a solicitation include, but

are not limited to:

a. The department no longer requires the space or service.

b. Bids received exceeded budgeted funds or were unreasonable.

c. The solicitation was flawed (i.e. specifications were not complete or were ambiguous).

d. There is reason to believe that the bids received may have been collusive.

e. There is inadequate competition indicated by low response to the solicitation.

B. When bids are rejected, or a solicitation is cancelled, written notices shall be given to the bidders, giving the reasons for the rejection or cancellation.

C. When a solicitation is cancelled, where appropriate, bidders will be given the opportunity to bid on the new solicitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581, R.S. 39:1599, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§731. Emergency Procurements

A. The commissioner of elections or his designee may declare that an emergency situation exists when:

1. Property is subject to loss or destruction as a result of an accident or natural disaster within 10 days of an election.

2. The functioning of the department will be threatened.

3. The health and safety of any person is threatened.

B. Every effort shall be made to obtain bids from three or more bidders. Bids shall be solicited from bonded, insured draymen or lessors currently under contract with the department.

1. If time permits, written quotations shall be solicited.

2. If time does not permit, telephone quotations shall be solicited.

C. The commissioner of elections shall make a written determination stating the basis for the declaration of an emergency, the procedure used prior to selecting a contractor, and the basis for awarding to a particular contractor.

D. The commissioner of elections shall keep all records relating to emergency procurements at least six years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1598 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§733. Collusive Bidding or Negotiations

A. The attorney general shall be notified in writing whenever collusion is suspected among bidders. Such notice shall contain all known facts.

B. All documents involved in a procurement in which collusion is suspected shall be retained for six years or until the attorney general notifies the department that they may be destroyed, whichever is longer. These documents shall be made available to the attorney general or his designee upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1626 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR

17: (June 1991).

§735. Specifications

A. All specifications shall be written so as to promote as much competition as possible. Proprietary specifications may be used only to convey the general style, type, character, and quality desired. The department will accept equals.

B. Specifications issued by the department may include an escalation or de-escalation clause in accordance with the Consumer Price Index.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§737. Warehouse Specifications

A. All specifications are subject to applicable building codes; weather and soil conditions; and conditions imposed by the building's use.

B. All aspects of the construction of the building must be complete and sufficient for our purposes. Failure by the agency to specify those items commonly found in this type construction shall not relieve the bidder from providing those items.

C. The term of the lease, and any subsequent renewal, shall be determined by:

1. the condition of the building;
2. the projected growth of parish and future needs;
3. the probability of change in type and size of voting machines;
4. the conditions in the local economy; and
5. any other applicable conditions.

D. The lease will be provided by the department, and no lease shall extend beyond a period of 10 years, inclusive of all option renewals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21, R.S. 39:1581, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§739. Lease Amendments

A. Should alterations or modifications of space currently under lease, as provided in R.S. 18:21(B), be required to meet changed operating requirements, a lease may be amended.

1. The commissioner of elections may approve an adjustment in monthly lease payments not to exceed 25 percent of the original annual lease price per square foot, sufficient to reimburse the lessor for expenses incurred in providing the improvements.

2. Such adjustments in rental shall also be approved by the Joint Legislative Committee on the Budget.

3. The continuance of adjustments in excess of the current lease shall be contingent on the appropriation of funds in subsequent fiscal years.

B. If the holder of multiple warehouse contracts fails to perform in accordance with the provisions of any of his contracts, the commissioner of elections may cancel any and all contracts with that contractor. In addition, the contractor may be suspended from future bidding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21(B), R.S. 39:1644, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§741. Drayage Specifications

A. A contract cannot be transferred, subcontracted, or assigned prior to execution of said contract. After execution of the contract, a contractor may assign or subcontract his obligations under the contract only with the written consent of the commissioner of elections, which consent shall not be unreasonably withheld.

B. To the extent that a prospective contractor proposes to utilize subcontractors in performing the contract, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system determined by the commissioner of elections. All subcontractors must meet the same standards for responsibility, bonds, and insurance as the prime contractor.

C. If a bidder is the lowest responsible and responsive bidder in more than one parish, bidders will be limited to contracting for parishes with an aggregate total of not more than 1,000 voting machines or four parishes. In the event that those numbers are exceeded, the contracts will be awarded in the order in which bids were taken.

D. The term of the contract shall be one year with an option to renew for two additional one-year terms.

E. If the holder of multiple drayage contracts fails to perform in accordance with the provisions of any of his contracts, the commissioner of elections may cancel any and all contracts with that contractor. In addition, the contractor may be suspended from future bidding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1371, R.S. 39:1581, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§743. Right to Protest

A. All proceedings herewith shall be carried out in accordance with the Conduct of Hearing Rules set forth in LAC 34:I, Chapter 31.

B. Any bidder may protest a solicitation or award of a contract to the commissioner of elections.

C. In regard to the solicitation of a drayage contract, the protest must be made in writing at least two days prior to the opening of bids.

D. In regard to the solicitation of a lease to store voting machines, the protest must be made in writing at least 10 days prior to the opening of bids.

E. In regard to the award of any contract, a written protest must be made within 14 days after the contract is awarded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1671 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§745. Legal and Contractual Remedies

A. The commissioner of elections or his designee is authorized to settle and resolve any protest prior to court action. If a protest is not resolved by mutual agreement, the commissioner of elections or his designee shall, within 14 days, issue a decision in writing. The decision shall:

1. state the reasons for the action taken; and
2. inform the protestant of its right to administrative and judicial review as provided in Part VI of the Procurement Code.

B. Notice of decision shall be furnished immediately to

the protestant and any other party intervening.

C. The decision of the commissioner of elections or his designee shall be final unless:

1. the decision is fraudulent; or

2. the person has appealed to the commissioner of administration in accordance with R.S. 39:1683 and R.S. 39:1685.

D. If a protest is lodged as provided for in these regulations, the department shall not proceed with the solicitation or award, unless the commissioner of elections declares in writing that proceeding is necessary to protect the substantial interest of the state. Upon such determination, no court shall enjoin progress under award except after notice and hearing.

E. When a protest is sustained and the protesting bidder should have been awarded the contract but is not, the bidder shall be reimbursed for reasonable costs associated with the solicitation, including bid preparation costs other than attorney's fees. Any administrative determination of such costs shall require approval of the attorney general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1671, R.S. 39:1673, and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

§747. Suspension and Debarment

A. A bidder and its principal officers and agents may be debarred or suspended from consideration for award of contracts during an investigation for probable cause if it is in the best interests of the state.

B. The commissioner of elections may suspend or debar a person for cause after notice to the bidder has been given, and the bidder has had a reasonable opportunity to respond. A bidder may be suspended if the commissioner of elections determines that there is probable cause to believe that the bidder has engaged in any activity to lead to debarment.

1. The period of time for the suspension shall be:

a. for drayage contracts - one complete cycle of bidding in all parishes; and

b. for warehouse contracts - five years.

2. The period of time for debarment shall be:

a. for drayage contracts - two complete cycles of bidding in all parishes; and

b. for warehouse contracts - ten years.

C. Causes for debarment shall be in accordance with R.S. 39:1672(C).

1. In addition to the provisions of R.S. 39:1672(C), the commissioner of elections may debar a bidder for the following reasons:

a. The bidder has withdrawn a bid after award, for whatever reason, more than once.

b. The commissioner of elections may declare other specific reasons for suspension or debarment which are in the best interests of the state.

D. The commissioner of elections shall notify the debarred or suspended bidder in writing of the decision stating the reasons for the action taken. Such notification shall also inform the debarred or suspended bidder's rights to administrative and judicial review.

E. The decision of the commissioner of elections or his designee shall be final unless:

1. the decision is fraudulent; or

2. the person has appealed to the commissioner of administration in accordance with R.S. 39:1684.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1672 and R.S. 36:662.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 17: (June 1991).

Jerry M. Fowler
Commissioner

RULE

Office of the Governor Office of Elderly Affairs

In accordance with the Administrative Procedure Act, as amended, the Governor's Office of Elderly Affairs hereby amends Title 4, Part VII., Chapter 11, Subchapter B, Section 1131 of the Louisiana Administrative Code. The purpose of the amendment is to reflect the requirements for area agency on aging advisory councils set forth in the *Federal Register*, Vol. 53, No. 169, dated Wednesday, August 31, 1988.

Title 4

ADMINISTRATION

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

Subchapter B. Area Agency on Aging

§1131. Advisory Council

A. Functions of the Council

The area agency shall establish an advisory council. The council shall carry out advisory functions which further the area agency's mission of developing and coordinating community-based systems of services for all older persons in the planning and service area. The council shall advise the agency relative to:

1. developing and administering the area plan;

2. conducting public hearings;

3. representing the interests of older persons; and

4. reviewing and commenting on all community policies, programs, and actions which affect older persons with the intent of assuring maximum coordination and responsiveness to older persons.

B. Composition of the Council

The council shall include individuals and representatives of community organizations who will help to enhance the leadership role of the area agency in developing community-based systems of services. The advisory board shall be made up of:

1. more than 50 percent older persons, including minority individuals who are participants or who are eligible to participate in Older Americans Act Title III programs;

2. representatives of older persons;

3. representatives of health care provider organizations, including providers of veterans' health care (if appropriate);

4. representatives of supportive services providers organizations;

5. persons with leadership experience in the private and voluntary sectors;

- 6. local elected officials; and
 - 7. the general public.
- C. Review by Advisory Council

The area agency shall submit the area plan and amendments for review and comment to the advisory council before it is transmitted to the state agency for approval.

AUTHORITY NOTE: Promulgated in accordance with OAA Sec. 306 (a)(6)(F) and 45 CFR 1321.57.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17: (June 1991).

Vicky Hunt
Director

RULE

**Office of the Governor
Office of Elderly Affairs**

In accordance with the Administrative Procedure Act, as amended, the Governor's Office of Elderly Affairs hereby amends Title 4, Part VII., Chapter 11, Subchapter B, Section 1129, Subsection A, of the Louisiana Administrative Code pertaining to the staffing of area agencies on aging for purposes of the Older Americans Act of 1965, as amended. The purpose of the amendment is to provide parameters for service as area agency on aging (AAA) board and staff members so as to prevent even the appearance of undue influence on the organization. The AAA board of directors establishes policy for the agency and may hire/fire the director, who in turn hires/fires subordinate staff. The AAA board of directors also establishes salaries and benefits of paid staff.

**Title 4
ADMINISTRATION**

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

Subchapter B. Area Agency on Aging

§1129. Organization of the Area Agency

A. Governing Body

1. - 2. ...

3. Former area agency on aging board members shall not be employed as paid agency staff of the same agency for a period of two years immediately following separation from the board.

4. Former area agency on aging staff members shall not serve on the board of directors of the same agency for a period of two years immediately following separation from employment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 305(c)(4), Section 307(a)(11) and R.S. 43:1119.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17: (June 1991).

Vicky Hunt
Director

RULE

**Office of the Governor
Office of Elderly Affairs**

In accordance with the Administrative Procedure Act, as amended, the Governor's Office of Elderly Affairs (GOEA) hereby amends Title 4, Part VII, Chapter 11, Subchapter B, Section 1127, "Area Agency Responsibilities", and Subchapter E, Section 1229, "Office of the State Long Term Care Ombudsman", of the Louisiana Administrative Code effective July 1, 1991. This rule change relieves the area agencies on aging (AAAs) of responsibility for the operation of the State's Long Term Care Ombudsman program at the local level; provides for designation and de-designation of local ombudsman entities; removes the requirement of weekly visitation in each long term care facility; and provides more flexibility in training requirements.

The Long Term Care Ombudsman Program is a federally mandated, state administered program. The 1987 Older Americans Act Amendments required the state agency to establish and operate, either directly or by contract, an Office of the State Ombudsman (OSO) and carry out through the OSO a long term care ombudsman program. The AAAs are required to "consult with and support the state's long term care ombudsman program" [45 CFR 1321.61(a)(4)]. The OSO was established in the Office of Elderly Affairs in 1988, pursuant to R.S. 40:2010.1 through R.S. 40:2010.5. The OSO includes any local ombudsman entity designated by the State Long Term Care Ombudsman as a subdivision of the OSO.

Comments received regarding the notice of intent published in the March, 1991 *Louisiana Register* (Vol. 17, No. 3) indicate a need to clarify the relationship between the Office of the State Ombudsman and its representatives. All references to local ombudsman programs referred to in §1229.D, E, F and J have been changed to indicate local designated ombudsman entities.

**Title 4
ADMINISTRATION**

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

Subchapter B. Area Agency on Aging

§1127. Area Agency Responsibilities

A. Advocacy Responsibilities

1. - 3. ...

4. to consult with and support the state's long term care ombudsman program.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a) and 45 CFR 1321.61(a)(4).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17: (June 1991).

Subchapter E. Uniform Service Requirements

§1229. Office of the State Long Term Care Ombudsman

A. Purpose

The purpose of the Louisiana Office of the State Long Term Care Ombudsman (sometimes referred to in this Section as "the office" is to ensure that residents of long term care facilities receive the quality of life to which they are entitled.

B. - C. ...

D. Program Structure

1. ...

2. Sub-state level

a. Designation of Local Ombudsman Entities

i. The state long term care ombudsman shall designate as local ombudsman entities public or private non-profit agencies or organizations which have the capacity to perform the duties set forth in Subsection D.2.c of this Section.

ii. The state long term care ombudsman shall not designate as a local ombudsman entity any agency or organization for which such designation would create a conflict of interest.

iii. The Governor's Office of Elderly Affairs (GOEA) shall contract with agencies or organizations designated by the state long term care ombudsman to operate the state's ombudsman program at the sub-state level.

iv. The contract between GOEA and the local ombudsman entity shall specify the service area covered by the local ombudsman entity and the responsibilities of each party. It shall contain assurances regarding the performance of the local ombudsman entity and provisions for termination of designation.

v. A local ombudsman entity which cannot meet all designation requirements or which is experiencing substantial problems may be granted a provisional designation, provided that the local ombudsman entity has provided a plan for corrective action, acceptable to the state long term care ombudsman, including a timetable for meeting requirements.

vi. Designations of local ombudsman entities shall be renewed annually. If a designated local ombudsman entity wishes to be considered for renewal, it shall provide written notice to the state long term care ombudsman at least 90 days prior to the end of the contract year.

vii. The state long term care ombudsman may designate a local ombudsman entity or terminate a designation for cause. The terms and conditions for this procedure shall be included in the contract with the local ombudsman entity.

b. The state ombudsman shall designate each local ombudsman entity as a subdivision of the office. Any representative (as defined in R.S. 40:2010.1) of an entity so designated (whether an employee or an unpaid volunteer) shall be treated as a representative of the office for purposes of this Section.

c. At a minimum, each local ombudsman entity shall:

i. employ or contract with a certified ombudsman who shall be paid to serve as an ombudsman coordinator for all facilities within the service area.

ii. submit for approval by the state long term care ombudsman a written plan of visitation which provides for regular visitation to each facility in the service area by program personnel. Every facility must be visited by a certified ombudsman at least once per month. The plan of visitation shall be incorporated into the contract with GOEA.

iii. - iv. ...

v. advertise the existence and function of the designated local entity and the office; and

vi. advise the public about, or arrange for the availability of, current state, local, and federal inspection reports, statements of deficiency, and plans for correction for individual long term care facilities in the service area.

d. The amount of funds to be allocated for each designated local ombudsman entity shall be determined by the

Governor's Office of Elderly Affairs.

e. Program personnel at the designated local level are:

i. ombudsman coordinator;

ii. ombudsman; and

iii. long term care visitor.

f. - g. ...

E. Personnel Qualifications and Responsibilities

1. ...

2. Ombudsman Coordinator

a. ...

b. Responsibilities

i. - vi. ...

vii. to assure that all personnel within the designated local entity adhere to the policies of the office and the designated entity;

viii. - xvii. ...

3. Ombudsman

a. Qualifications

i. An ombudsman must possess the following qualifications:

(a). graduation from high school or equivalency;

(b). two years of experience in working with people;

(c). recommendation by his designated ombudsman entity; and

(d). successful completion of ombudsman certification training program.

ii. ...

4. Long Term Care Visitors

a. Qualifications

i. - iii. ...

iv. completion of the orientation training sponsored by his local designated ombudsman entity.

b. Responsibilities

i. to work through the designated ombudsman entity;

ii. to visit residents in each assigned facility in accordance with the plan of visitation in Subsection B.2.c.ii of this Section.

iii. to assist the ombudsman coordinator in publicizing the existence of the ombudsman program and assuring that residents, responsible parties and concerned members of the public know how to contact the state ombudsman and the ombudsman assigned to the facilities;

iv. to observe the care in long term care facilities;

v. to meet regularly with the ombudsman or ombudsman coordinator;

vi. to report monthly to the ombudsman assigned to his LTC facility on the status of the residents in his facility and refer problems to the ombudsman or ombudsman coordinator; and

vii. to attend at least six hours of training a year on topics related to nursing homes, aging, and the ombudsman program.

F. Ombudsman Certification

1. ...

2. Certification Process

a. Upon successful completion of the certification program, a trainee will become a certified ombudsman. The state ombudsman shall notify the trainee in writing and shall issue an identification card. A copy of the letter shall be sent to the designated local ombudsman entity and the AAA.

b. The ombudsman shall be assigned to a long term care facility(ies) by the state ombudsman after consultation

with the ombudsman, the ombudsman coordinator, and the director of the designated local ombudsman entity. The administrator of the long term care facility where the ombudsman is assigned shall be so informed by the state ombudsman.

c. ...

3. Training

a. - b. ...

c. Certification must be renewed annually. Renewal is based on successful completion of at least 15 contact hours of in-service training each year and on adherence to ombudsman policies and procedures. At least eight hours of this training must be sponsored by the office. The remainder may be earned by attending any relevant training, subject to the conditions described below. If requirements for the current year have been met, hours earned during the final quarter of a calendar year may be carried over to the following year.

d. ...

e. In order to receive credit for such courses an ombudsman may either attend a program which has already been approved by the state ombudsman or must submit in advance a written request for approval of a particular program. Requests for approval must include:

- i. brief description of training;
- ii. who is conducting or sponsoring the training;
- iii. when and where it is being held; and
- iv. who the trainers/speaker are (if available).

f. ...

g. Recertification will be done on a calendar year basis. It is the responsibility of each designated local ombudsman entity to monitor at least the following activities to assure eligibility for recertification:

- i. number of visits per month;
- ii. number of hours per month;
- iii. number of cases handled per month; and
- iv. number of in-service hours completed per quarter.

h. Newly certified ombudsmen shall not be required to earn in-service hours during the first year or partial year following their initial certification. Instead, they shall be required to attend training sessions conducted by the ombudsman coordinator on the following topics:

- i. problem resolution;
- ii. resident rights; and
- iii. assertiveness/communication.

This training shall be conducted in accordance with guidelines and materials prepared by the state long term care ombudsman. This training must be completed within the first six months following certification. As of the beginning of the calendar year following initial certification, regular in-service training requirements will apply.

4. Examination

a. written and/or oral examination will be administered to assess the trainee's knowledge of the long term care system, of long term care residents, and of the problem-solving process. The examination will be evaluated on a "pass/conditional pass/fail" basis.

b. - d. ...

5. ...

6. Leave of Absence

a. Individuals who are unable to fulfill their program responsibilities due to extended illness, family problems, or other unforeseen circumstances may request a leave of ab-

sence. A written request must be submitted to the state ombudsman with a specified time period for the leave. If granted, ombudsman responsibilities will be suspended until the leave is concluded.

b. A formal leave of absence is not required for absences of two weeks or less. Such absences should be recorded by the local ombudsman entity and should not total more than six weeks in a calendar year.

7. ...

G. - I. ...

J. Reporting

1. - 2. ...

3. All local designated entities shall utilize the report forms developed by the Governor's Office of Elderly Affairs to report their activities. Such reports are to be submitted monthly to the Governor's Office of Elderly Affairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17: (June 1991).

Vicky Hunt
Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with the Administrative Procedure Act, as amended, the Governor's Office of Elderly Affairs hereby amends Title 4, Part VII., Chapter 11, Subchapter C, Section 1167, Subsection B, of the Louisiana Administrative Code pertaining to the membership of the Board of Directors of councils on aging. The purpose of the amendment is to provide parameters for service as parish council on aging (COA) board and staff members so as to prevent even the appearance of undue influence on the organization. The COA board of directors establishes policy for the agency and may hire/fire the director, who in turn hires/fires subordinate staff. The COA board of directors also establishes salaries and benefits of paid staff.

Title 4

ADMINISTRATION

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

Subchapter C. Councils on Aging

§1167. Organization

A. ...

B. Membership of the Board of Directors

1. - 5. ...

6. Former council on aging staff members may not serve on the Board of Directors of the same agency for a period of two years immediately following separation from employment.

7. Former council on aging board members may not serve as paid agency staff of the same agency for a period of

two years immediately following separation from the board.
C. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1605 and R.S. 42:1119.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 10:1023 (December 1984), LR 11:1078 (November 1985), LR 13:23 (January 1987), LR 13:569 (October 1987), LR 17: (June 1991).

Vicky Hunt
Director

RULE

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

The State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1270(B), 37:1281, and the provisions of the Administrative Procedure Act, has adopted an amendment to its rule prescribing the fees payable for certain permits and for registration for and taking of the Federation Licensing Examination (FLEX) and the Special Purpose Examination (SPEX), LAC 46:XLV, Subpart 1, Chapter 1, §125(B), (C). The rule, as amended, is set forth below:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Profession

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter C. Physicians and Surgeons Fees

§125. Licenses, Permits and Examinations

* * *

B. For processing applications for permits of the type indicated, the following fees shall be payable to the board:

- 1. Visiting physician permit \$50
- 2. Short-term residency permit \$50
- 3. Other institutional or temporary permits \$50

C. For registration for and taking of all or any portion of the Federation Licensing Examination (FLEX) or of the Special Purpose Examination (SPEX), the fee which shall be payable by the applicant to the board shall be equal to the cost of the examination to the board as charged by the Federation of State Medical Boards of the United States, Inc. With respect to each scheduled administration of an examination, the cost of the examination may be determined upon request of the office of the board and shall be set forth in application forms and materials furnished by the board upon request of the applicant.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:906 (November 1984), amended LR 17: (June 1991).

Delmar Rorison
Executive Director

RULE

**Department of Health and Hospitals
Office of Human Services**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Office of Human Services, Division of Alcohol and Drug Abuse is hereby adopting amendments to the guidelines for administering the revolving fund account for establishing group homes for recovering substance abusers. The Anti-Drug Abuse Act of 1988, (Public Law 100-690) required the state to create a revolving fund of at least \$100,000 for the purpose of making low-cost, short-term loans to groups or entities for the start-up of recovery residences for homeless recovering alcoholics or drug abusers. The rule implementing the guidelines was published in the December, 1989 issue of *Louisiana Register*, page 1081.

Title 48

PUBLIC HEALTH

Part VII. Alcohol and Drug Abuse Services

Chapter 7. Group Homes for Recovering Substance Abusers

§703. Definitions

A.-E. ...

F. Individual Loan means a loan payable to an individual person in recovery from substance abuse and made in order to enable said person to access an already existing recovery home when such home requires an advance cash deposit as an eligibility criterion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§705. Regulations

A.-I. ...

J. Loans made pursuant to these regulations must be repaid in accordance with the schedule in §711(C), but must be repaid within 24 months of issuance.

1. Late payment fees shall be assessed in the amount of \$25 or 20 percent of the amount past due, whichever is less.

2. A group home which defaults on payment will be subject to recovery process in accordance with law, and with costs of recovery assessed against the home.

3. Any proceeds recovered from defaulted loans, except costs associated with the recovery proceedings, shall be deposited to the credit of the revolving fund for recovery homes in the state treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§707. Purpose of the Fund

A.-H. ...

I. To repay bridge loans made in the home's behalf by a corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§709. Eligibility Requirements

A.-D. ...

E. Lender may require applicant groups to provide other evidence of ability to repay any loan for which application is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§711. Application Procedures

A.-B. ...

C. Application Review Process

1. The completed application package shall be hand-carried to the issuing office by the applicant. The application will be reviewed by the Regional Alcohol and Drug Abuse Treatment Program Manager along with the applicant. The regional manager will determine with the applicant a suitable repayment schedule within the 24-month limit of the loan. Interest shall be calculated at five percent simple interest except that bridge loans to establish chartered non-profit corporations shall be interest free. The regional manager shall compute the payment, and enter it on the Application Form in the box designated "For Office Use Only."

2. If approved, the application shall be forwarded to the Department of Health and Hospitals (DHH) Office of Human Services, Division of Alcohol and Drug Abuse, Special Projects Branch. If approved, it will be forwarded to the DHH, Bureau of Fiscal Services, Financial Management Section for issuance of a check to the applicant. The Bureau of Fiscal Services will forward a copy of its transmittal letter to the approving officer in the Division of Alcohol and Drug Abuse.

3. Limits on Loan Amounts and Duration of Loans

a. organizational (group) loans shall be limited to a maximum amount of \$4,000 for each loan made to be repaid within 24 months or less.

b. bridge loans shall be limited to a maximum of \$2,000 per loan, to be repaid within three months or less.

c. individual loans shall be limited to a maximum of \$500 to be repaid within 12 months or less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§713. Bridge Loans

A. ...

B. Restrictions on Bridge Loans

1. Private, chartered, non-profit corporations which have been in existence three months or more prior to the date of application for the loan.

2. Ninety-day payback.

3. Maximum amount limited to \$2,000 for each loan applied for, to cover security, rental and other deposits, lease costs, and for basic furnishings required for occupancy.

4. Non-interest bearing.

5. Application for loan must state "Bridge Loan."

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

§714. Individual Loans

A. Individual loans are restricted loans to individuals in recovery who are accepted into an already existing, functional group recovery home which requires, as an admission criterion, an advance deposit for his/her share of the first month(s) operational costs.

B. Individual loans are provided only to individuals who:

1. are recovering from a substance abuse disorder;

2. can provide proof that they have been accepted into an existing viable group recovery home;

3. can provide proof that the group recovery home into which they have been accepted required the applicant to pay his/her share of the first month's operational costs as an admission criterion;

4. do not have the funds to meet this criterion of admission;

5. provides evidence of employment, employability, registration for employment, or recipient of other monetary benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17: (June 1991).

* * *

David L. Ramsey
Secretary

RULE

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

The Department of Health and Hospitals, Office of the secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent on March 20, 1991 (LR 17: 301-302).

FINAL RULE

The Policies and Procedures for Facility Need Review are being revised as follows:

Subsection B. NURSING FACILITIES/BEDS, 6. a. (3), page 10 shall read as follows:

The number of beds for which application may be made is determined by the recommended minimum nurse/patient ratio for the number of beds in the facility which are enrolled in Medicaid; the number of proposed beds may not result in a change in the number of nurses required for the number of enrolled beds in addition to the proposed beds;

however, a facility which is at or near maximum may apply for additional beds in increments of 20.

David L. Ramsey
Secretary

RULE

Department of Natural Resources Office of the Secretary

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the secretary has amended the following rule, effective June 20, 1991.

Title 43 NATURAL RESOURCES

Part I. Office of the Secretary

Chapter 15. Administration of Fishermen's Gear Compensation Fund

§1515. Assessment of Fees

* * *

B. The balance in the Fishermen's Gear Compensation Fund is less than \$100,000 and, pursuant to R.S. 56:700.2., an additional fee of \$500 is assessed on each lessee of a state mineral lease and each grantee of a state pipeline right-of-way located in the Coastal Zone of Louisiana, effective June 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.2.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 5:328 (October 1979), amended LR 9:15 (January 1983), LR 10:546 (July 1984), LR 11:1178 (December 1985), LR 12:602 (September 1986), LR 13:360 (June 1987), LR 15:497 (June 1989), LR 16:320 (April 1990), LR 17: (June 1991).

Ron Gomez
Secretary

RULE

Department of Public Safety and Corrections Corrections Services

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby amends the rules and regulations relative to the manual of Disciplinary Rules and Procedures for Adult Offenders.

Copies of the manual may be obtained from Corrections Services, 504 Mayflower St., Baton Rouge, LA 70801 or from: the Office of the State Register, 1051 Riverside North, Baton Rouge, LA 70804.

The following is a summary of the manual:

The manual defines and describes the disciplinary rules and procedures which are to be followed by all adult offenders incarcerated in an adult facility under the supervision and control of the Louisiana Department of Public

Safety and Corrections. The manual specifically describes conduct which is prohibited at adult institutions. Many examples of rule violations are listed; however, the list is illustrative only.

The internal disciplinary system by which the institutions review rule violations is fully described. Once a rule violation is received by an offender, a disciplinary officer or disciplinary board will conduct a hearing to determine whether the offender's conduct violated institutional rules. After a finding of guilt by the hearing officer or panel, an appropriate sentence may be imposed, as detailed in the penalty schedule. An appeal to the warden of the institution or the secretary of the Department of Public Safety and Corrections may be made in certain cases, depending upon the rule violation and sentence imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823, *Wolff v. McDonnell*, 94S.Ct. 2963 1974 and *Ralph v. Dees*, C.A. 71-94, USDC Md. La.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 7:6 (January 1981), amended by the Department of Public Safety and Corrections, Corrections Services, Office of Adult Services, LR 17: (June 1991).

Bruce N. Lynn
Secretary

RULE

Department of Public Safety and Corrections Corrections Services

(Editor's Note: The following rule was adopted in the May, 1991 issue of the *Louisiana Register* and is being reprinted to make corrections.)

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

Chapter 3. Adult and Juvenile Services §310. Medical Parole

A. Purpose

The purpose of this regulation is to establish procedures for parole consideration of offenders determined to be permanently incapacitated or terminally ill.

B. Responsibility

The wardens, medical directors and hospital administrators, in cooperation with the Parole Board, shall be responsible for ensuring compliance with this regulation.

C. General

1. Any person sentenced to the custody of the Department of Public Safety and Corrections, upon determination that he/she is permanently incapacitated or terminally ill as defined below, may be considered for medical parole by the Parole Board. Medical parole consideration shall be in addition to any other parole for which an offender may be eligible, but shall not be available to any offender who is awaiting execution or has a contagious disease.

2. The authority to grant medical parole shall rest solely with the Parole Board, and this board may establish

additional conditions of parole in accordance with the provisions of Act 563 of the 1990 Legislative Session.

3. In considering an offender for medical parole, the Parole Board may require that the department produce additional medical evidence or conduct additional medical examinations.

4. The parole term of an offender released on medical parole shall be for the remainder of the offender's sentence, without diminution of sentence for good behavior. Supervision of the parolee shall consist of periodic medical evaluations at intervals to be determined by the Parole Board at the time of release.

5. If it is discovered through the supervision of the medical parolee that his condition has improved such that he would not then be eligible for medical parole under the provisions of this regulation, the Parole Board may order that the offender be returned to the custody of the department to await a hearing to determine whether his parole shall be revoked. Any offender whose medical parole is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole. If the offender's medical parole is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4. Medical parole may also be revoked for violation of any condition of parole established by the Parole Board.

D. Definitions

1. *Permanently Incapacitated Offender* - Any offender who, by reason of an existing physical or medical condition, is so permanently and irreversibly physically incapacitated that he does not constitute a danger to himself or to society.

2. *Terminally Ill Offender* - Any offender who, because of an existing medical condition, is irreversibly terminally ill, and who by reason of the condition does not constitute a danger to himself or to society.

3. *Danger to Himself* - An offender whose behavior supports a reasonable expectation that he will inflict physical or severe emotional harm upon his own person.

4. *Danger to Society* - An offender whose behavior supports a reasonable expectation that he will inflict physical harm upon another person.

E. Procedures

The following procedures shall be followed to identify offenders who may be eligible for medical parole.

1. A recommendation for a medical parole shall originate with the unit medical director. If the unit medical director believes an offender meets medical parole criteria according to Section D, he/she will forward a completed Residence Agreement form, a completed Recommendation for Medical Parole form, and any other supporting documentation to the warden for comments. The warden's comments should reflect whether or not, in his opinion, the offender will constitute a security risk to the public should his medical parole be granted. Specifically, these comments should address the offender's adjustment while incarcerated and the effect his medical condition has had upon his conduct with staff and other offenders, as well as his overall behavior. The warden shall then promptly forward the completed Residence Agreement form, the completed Recommendation for Medical Parole form, supporting documentation and his/her comments, if any, to the medical consultant of the Office of Adult Services.

2. If the medical consultant concurs with the unit medical director, the case will be sent to the Parole Board for consideration for medical parole.

3. If, after the medical consultant has reviewed the medical records, the medical consultant and the medical director at the institution do not concur, the medical consultant shall conduct a physical examination of the offender. If, after a physical examination of the offender, the medical consultant still does not concur with the recommendations of the medical director at the institution, the medical consultant and the medical director at the institution shall ask for a third opinion. The secretary or his designee shall appoint a medical director at another institution to provide the third opinion, which shall include his/her review of the medical records and a physical examination of the offender. The third opinion will determine if the medical parole consideration on that offender ceases, or if the case will be sent to the Parole Board for medical parole consideration. If the case is not submitted to the Parole Board for medical parole consideration, the medical director at the institution in which the offender is incarcerated shall, nevertheless, forward the completed Recommendation for Medical Parole form to the Parole Board for their records.

4. If at any later date the medical director at the institution believes the offender's medical condition would warrant medical parole consideration, he/she may again submit the case to the medical consultant.

F. The effective date of this regulation is May 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.20, as amended by Act 563 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 17:481 (May 1991), repromulgated LR 17: (June 1991).

Bruce N. Lynn
Secretary

RULE

Department of Public Safety and Corrections Office of Alcoholic Beverage Control

In accordance with R.S. 49:950 et seq., and under the authority conferred by Title 26 of the Louisiana Statutes in general and R.S. 26:793 in particular, the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, hereby adopts the following rule.

Title 55 PUBLIC SAFETY

Part VII. Alcoholic Beverage Control Subpart 1. Beer and Liquor Regulations

Chapter 3. Liquor Credit Regulations §323. Regulation Number XII — Fairs, Festivals and Special Events

A. For purposes of this regulation, special events are defined as events, held at any location, where alcoholic beverages are served as an incidental part of the event for payment rendered or are supplied as a part of a general admission or other type fee.

B. For such events, this office will issue a special temporary retail alcoholic beverage permit. These permits will be for a maximum duration of three consecutive days only, and no more than 12 such permits shall be issued to any one person within a single calendar year.

1. There shall be three types of temporary alcoholic beverage permits — Type A, Type B and Type C.

a. Type A permits will be issued only to non-profit organizations with tax exempt status under the United States Internal Revenue Code, Sections 501(c)(3) and 501(c)(8). To qualify for this permit, applicants must submit written proof of their tax exempt status, a copy of a local permit or letter from the local governing authority granting their permission to sell alcoholic beverages, a valid lease, contract or written permission of the owner of the property upon which the event is to be held if the property is not owned by the applicant and a completed, notarized application form. Type A permits shall be issued without charge by the Office of Alcoholic Beverage Control.

b. Type B permits will be issued only to non-profit organizations which are able to provide some type of written proof of their non-profit status, but are unable to show written proof of their tax exempt status under the Internal Revenue Code sections cited above. To qualify for this permit, applicants must submit the same documentation as for Type A permits, substituting the written proof of non-profit status for the written proof of tax exempt status. Applicants for Type B permits will be assessed a \$10 handling fee to cover the cost of processing the application.

c. Type C permits will be issued to persons holding limited events where alcoholic beverages are sold or supplied as part of a general admission or other type fee, but who do not meet the requirements for Type A or Type B temporary permits. To qualify for a Type C temporary permit, applicants must meet the qualifications required of permit holders under R.S. 26:80 and R.S. 26:280 and must submit a copy of a local permit or letter from the local governing authority granting their permission to sell alcoholic beverages, a valid lease or contract with the owner of the property on which the event is to be held if it is not owned by the applicant and a completed, notarized application form. A \$100 fee will be assessed to cover the cost of handling the Type C permit application.

C. The holders of temporary special event permits may return unused product at the conclusion of the event for cash or credit refund.

D. The provisions of R.S. 26:90 and 26:286 shall apply to all special events for which temporary permits are issued under this regulation, and violations are punishable as provided for under the provisions of Title 26 of the Revised Statutes. The provisions of R.S. 26:81 and 26:281 shall not apply to special event permits.

E. The provisions of R.S. 26:287(9) and Regulation Number IX dealing with unfair business practices shall not apply to the holders of Type A and Type B special event permits, except as provided in (F.) below, but shall fully apply to the holders of Type C special event permits.

F. When the holder of a special event permit of any type calls upon an industry member to service an event, the industry member must charge the permit holder for all equipment used and services rendered in an amount at least equal to that listed as follows:

1. Labor — at a rate equal to that required as a mini-

mum wage under the Federal Wage and Hour Law.

2. Self contained electric units in which the beer container is refrigerated within the unit — \$15 per day.

3. Electric unit in which the beer container sits outside the cooling unit — \$15 per day.

4. Picnic pumps — \$1 per day.

5. Tubs — \$1 per day.

6. Cold plates — \$2 per day.

7. Trucks designed to handled packaged beer without refrigeration — \$20 per day.

8. Refrigerated trucks designed to handle package or draught beer — \$30 per day.

9. Mobile refrigerated draught units such as trailers or other vehicles — \$30 per day.

10. Cups, ice, additional CO₂ gas and similar supplies and equipment — cost to industry member.

11. Alcoholic beverages — at the price available to all other retail dealers in alcoholic beverages.

Equipment such as that listed above may not be furnished to regular licensed retail dealers unless the dealer acquires a temporary special event permit. Equipment may not be provided by a wholesaler for functions where no permit is issued but beer is acquired from a retail dealer, such as private parties or receptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17: (June 1991).

Larry Dickinson
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of Alcoholic Beverage Control

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 26:287 and R.S. 26:150(A), the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, hereby amends and adopts the following rule.

Title 55

PUBLIC SAFETY

Part VII. Alcoholic Beverage Control

Subpart I. Beer and Liquor Regulations

Chapter 3. Liquor Credit Regulations

§317. Regulation Number IX. Prohibition of Certain Unfair Business Practices in the Malt Beverage Industry

* * * * *

D. Exceptions

1. Equipment

a. In order to provide proper dispensing of draught malt beverages by retail dealers, industry members may provide without charge coil cleaning service, tap markers which show brand, and tapping equipment such as rods, vents, taps, hoses, washers, couplings, vent tongues and check valves.

b. Accessories such as carbon dioxide gas tanks, reg-

ulators and other draught equipment accessories with a reasonable open market price of more than \$5 but less than \$200 per item must be sold to retailers at a price no less than the cost to the industry member as defined herein. Such sales shall be made for cash only.

c. Draught equipment accessories with a reasonable open market value of \$200 or more per item are not included under this exception.

2. Inside Signs

a. An industry member may furnish, give, rent, loan or sell to a retailer inside signs which bear advertising matter. Inside signs include such things as mechanical devices, illuminated devices, clocks, neon signs and other devices which are designed for permanent use in a retail account. These items may be furnished to an industry member if the total value of such materials in use at any one time for any one brand does not exceed \$225 to any one retail establishment, including all expenses incurred directly or indirectly by any industry member in connection with the purchase, manufacture, transportation and assembly of such items and accessories thereto. The industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or any expense incidental to their operation. In determining the value of these items for purposes of the limitation, value shall be the cost attributable to them at the time of their installation in the retail establishment.

b. Display stackers, pricing cards, shelf talkers, rail strips, posters and other such items constructed of paper, cardboard and similar materials and which are designed and installed as point-of-sale material for temporary use in a retail account are not included under this section and may be provided without limitation. Prior approval of point-of-sale material is not required and will not be given.

c. Product displays may be furnished by an industry member to a retailer, provided that the total value of all product displays furnished by an industry member may not exceed \$155 per brand in use at any one time in any one retail establishment. Product displays are racks, bins, barrels, casks, shelving and the like from which alcoholic beverages are displayed or sold. Product displays shall bear conspicuous and substantial advertising matter.

3. Outside Signs. The furnishing of outside signs by an industry member to licensed retail dealers is prohibited.

4. Advertising Specialties, Utility Items, Merchandise and Supplies

a. Trays, coasters, paper napkins, clothing, groceries, snack foods, paper and plastic bags, cups, pitchers, glasses, menu covers, menu sheets, meal checks, match books, ash trays, ice and other items which are primarily of utility value to a retailer cannot be given away but may be sold to retailers by industry members and the price charged for such items must be no less than the cost to the industry member as defined herein.

b. Other retailer advertising specialties and novelty items, such as foam scrapers, thermometers, litter bags, pencils, bottle openers, balloons, lapel pins and key rings which bear advertising matter, and which are primarily valuable to the retailer as point-of-sale advertising media but have no utility value to the retailer, may be furnished, given or sold to a retailer if the aggregate cost to any industry member of such retailer advertising specialties furnished, given or sold in connection with any one retail establishment in any one calendar year does not exceed fifty dollars.

c. After the delivery of such retailer advertising spe-

cialties with an aggregate cost to an industry member of fifty dollars has been made by such industry member to a particular retail establishment during any one calendar year, any future deliveries of such items to that particular retail establishment by such respective industry member during the remainder of the calendar year must be effected only by the sale of such items at their reasonable open market price in the locality where sold. Any items sold, furnished or given away under this section must be itemized separately on the industry member's invoice and other records.

d. Carbon dioxide gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price thereof in the locality where sold.

5. Sponsorships. Wholesalers and manufacturers may sponsor events relating to or on the premises of retail dealers, provided, however, that nothing of value is given to retail dealers except as allowed elsewhere in this section; T-shirts, caps and similar items may be given to event contestants or patrons of the retail establishment but the aggregate cost of such items may not exceed \$150 per event; an industry member shall not sponsor an event on the premises of a retail dealer within 60 days of his last sponsored event; alcoholic beverage sales must be incidental to the event being sponsored; and industry members shall not directly or indirectly require that the sponsor's product be the exclusive product offered for sale at the event. A manufacturer or wholesaler may donate beer and trophies of nominal value to unlicensed civic, religious or charitable organizations. In conjunction with events held on regular licensed retail premises, all restrictions on advertising and signage will remain in full force and effect, except that temporary paper signs and posters may be used inside the premises to advertise the event for not more than 21 days.

6. Trade Calls. Bar spending during trade calls, wherein the beer purchased by a manufacturer or wholesaler for a consumer is consumed on retail licensed premises in the presence of the giver, shall be lawful so long as the state's laws regulating retail establishments such as the legal drinking age, etc., are observed and not more than \$150 is expended during the trade call. No such trade calls may occur on college campuses. Manufacturers and wholesalers may be accompanied by entertainers, sports figures and other personalities during trade calls. The trade calls may be pre-announced to the retailers involved, and may be pre-announced to consumers in the retail account through table tents, posters and other inside signs. No outside advertising of such events through signs or any media is allowed. The gift of beer as a purely social courtesy to unlicensed friends and associates of a manufacturer or wholesaler shall be lawful. Sampling tests for the purpose of determining consumer taste preferences are allowed on premises holding a regular Class A permit only, provided that notification in writing is provided to the Commissioner of Alcoholic Beverage Control at least one week prior to the date of the testing.

7. Tubs and Other Single Containers. Tubs, ice chests and other containers designed to hold single units of product and display them for sale in retail establishments may be furnished by manufacturers and wholesalers, provided that no more than two containers per retail location may be furnished by an industry member and the value of the items furnished shall not exceed \$155.

8. Consignment Sales, Returns. It is unlawful for an industry member to sell, offer for sale, or contract to sell to any retailer, or for any retailer to purchase or contract to pur-

chase any products (a) on consignment; or (b) under conditional sale; or (c) with the privilege of return; or (d) on any basis other than a bona fide sale; (e) if any part of the sale involves, directly or indirectly, the acquisition by such person of other products from the trade buyer or the agreement to acquire other products from the trade buyer; or (f) if the return or exchange of a product is solely because it is overstocked or slow-moving. Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited, but the industry member is under no obligation to accept such returns. "Ordinary and usual commercial reasons" includes the exchange of product for products which are unmarketable because of product deterioration, leaking containers or damaged labels; the correction of any discrepancy between products ordered and products delivered within a one-week period; or products on hand at the time a retail dealer closes a business or terminates business operations, in which case the return may be for cash or credit against outstanding indebtedness. This also includes a temporary seasonal event or temporary shutdown or slowdown where the industry member is able to show that the products are likely to spoil during the off season. Out-dated product or product which is within 21 days of date code expiration may be exchanged for other product. Products for which there is only a limited seasonal demand, such as holiday decanters and distinctive containers, may only be exchanged for non-distinctive like products.

9. Penalty. The assistant secretary of the Office of Alcoholic Beverage Control may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties or administrative remedies against violators as are prescribed by law for violations of the Alcoholic Beverage Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287, R.S. 26:150(A) and R.S. 26:793.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979) and LR 17: (June 1991).

Larry Dickinson
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of Alcoholic Beverage Control

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 26:287 and R.S. 26:150(A), the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, amends and adopts the following rule.

Title 55 PUBLIC SAFETY

Part VII. Alcoholic Beverage Control Chapter 3. General Regulations

§319. Regulation X. Stocking, Pricing and Rotating

A. Persons holding valid Louisiana wholesale alcoholic beverage permits, their agents, servants or employees,

manufacturers' agents, importers and brokers may price, stock and rotate merchandise at retail premises only to the following extent.

1. Dealers in beverages of more than six percent alcohol by volume and in wine coolers containing more than six percent alcohol by volume and pre-mixed beverages of any alcoholic content may build and stock displays of their product on the premises of retail dealers. Displays can in no way be part of the dealer's regular shelving. They may restock displays for a maximum period of one month after the initial display has been installed. They may not price the displays. They are prohibited from pricing and stocking shelves on the premises of retail dealers. Industry members are granted authority to maintain the quality of their product on retail shelves, provided, however, the product purchased from other industry members is not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not authorized.

2. Wholesale dealers of malt beverages containing six percent or less alcohol by volume and wine coolers containing six percent or less alcohol by volume may build, stock and price displays, shelves or cold boxes of their product on the premises of retail dealers. They may also rotate their product on retail premises, either in cold boxes or on shelves, in order that the freshness of the product may be maintained; provided, however, that these wholesale dealers are prohibited from resetting any products other than their own brands except with the express written permission of the license holder or a designated manager for the licensed premises involved. Nothing herein is intended to prohibit an industry member from moving small quantities of a competitor's product which has been inadvertently placed in the area allocated to the industry member.

B. The assistant secretary of the Office of Alcoholic Beverage Control may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties or administrative remedies against violators as are prescribed by law for violators of the Alcoholic Beverage Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287 and R.S. 26:150(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 6:734 (December 1980), amended LR 17: (June 1991).

Larry Dickinson
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of State Police Transportation and Environmental Safety Section

Under the authority of the Hazardous Materials Information Development, Preparedness, and Response Act, R.S. 30:2361 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, hereby adopts revisions to §10111 of Chapter 101 which

deals with Release Reporting. The complete text of this Section follows.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections - Hazardous Materials

Chapter 101. Hazardous Materials Information Development, Preparedness, and Response Act

§10111. Release Reporting

A. A release of any of the following substances must be reported immediately if the release meets or exceeds the (release) reportable quantity (RQ) established for that substance herein, and the release escapes beyond the site of the facility:

1. any material and its RQ appearing on the most current list of extremely hazardous substances as established by the Environmental Protection Agency (40 CFR Part 355, Appendix A);

2. any material and its RQ appearing on the most current list of CERCLA hazardous substances as established by the Environmental Protection Agency (40 CFR Part 302, Table 302.4);

3. any material and its RQ appearing on the most current list of hazardous substances and reportable quantities as established by the Department of Transportation, Research and Special Programs Administration (49 CFR Part 172, Appendix to 172.101);

4. any material on which maintenance of an MSDS is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Paragraphs 1, 2 or 3 above, must be reported if the material released exceeds the RQ of 5,000 pounds hereby established by the Louisiana Department of Public Safety and Corrections, except that all compressed or refrigerated flammable gases will have a 100 pound RQ, all flammable liquids (as defined in 49 CFR) will have a 100 pound RQ, and all other liquids requiring maintenance of an MSDS will have 500 pound RQ.

B. All releases as defined above must be reported immediately. They must be reported to:

1. Emergency Response Commission via Office of State Police, Transportation and Environmental Safety Section using the Hazardous Materials Hotline phone number 504/925-6595 (collect calls accepted 24 hours a day).

2. Local Emergency Planning Committee with jurisdiction over a facility.

3. Depending on the nature of the material and medium into which the release occurs, other agencies such as the state Department of Environmental Quality (DEQ), National Response Center (NRC), Environmental Protection Agency (EPA), Coast Guard, etc., may need to be notified. Facilities and transporters are responsible for determining the appropriate parties to be contacted.

C. If you have a reportable release (i.e., one that meets the requirements specified by either the state and/or federal Right-to-Know laws), you must provide, at a minimum, the following information relating to the release:

1. the name and telephone number of the contact person;

2. the company;

3. where the incident occurred (mailing address and physical location);

4. date and time the incident began; when it ended;

5. the type of substance released (This would include proper chemical name if available, an indication of whether the substance is extremely hazardous and whether it was solid, liquid or gas.);

6. the actual amount or an estimate of the amount released (If you do not know the exact amount, then provide an estimate of the amount released or a range into which the release would fall [example: 20-25 pounds]. Your notification is not complete until you have provided this information so our office can determine the appropriate response action.);

7. whether the material released escaped beyond the site of your facility;

8. the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);

9. the details of the incident (how it happened and whether the release occurred into the air, water, and/or land);

10. whether the release resulted in a fire, injury to personnel, or a fatality;

11. any need for off-site protective action such as road closures or evacuation;

12. whether other responsible state and local agencies such as your Local Emergency Planning Committee have been notified.

D. Facilities must also make follow-up written reports for all releases within five days after the release occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge LA 70896. The format for this report should be as outlined in Part C above and in Title III of the Superfund Amendments and Reauthorization Act (SARA). Any additional information not given in the initial telephone notification should also be included.

E. As per the authority granted in R.S. 30:2376, the Office of State Police - Transportation and Environmental Safety Section will coordinate emergency response activities arising as a result of releases of material regulated by these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:761 (December 1987), LR 14:803 (November 1988), LR 16:975 (November 1990), LR 17: (June 1991).

Marlin Flores
Deputy Secretary

RULE

Department of Revenue and Taxation Tax Commission

In accordance with provisions of the Administrative Procedure Act 49:950 et. seq., the Louisiana Tax Commis-

sion adopted amendments to the Louisiana Tax Commission Real/Personal Property rules and regulations as follows.

Title 61

**REVENUE AND TAXATION
Part V. Ad Valorem Taxation**

Chapter 3. Real and Personal Property

§303. Real Property

A. In making appraisals of residential, commercial and industrial land and improvements, the assessors shall use the three nationally recognized approaches to value, those being Cost, Income and Market, where each is applicable.

B. When applying the Cost Approach, each assessor shall be responsible for obtaining and keeping an updated (1) Residential Cost Handbook and (2) Marshall Valuation Service, published by Marshall and Swift, and shall use the building cost index and local multipliers as of the assessment valuation date.

C. The Market Approach may be used in appraisals of improvements and/or land. The Income Approach may be used in appraisals of improvements and/or land in use. The Cost Approach may be used only in appraisals of improvements.

D. The following procedure shall be used for assessing, listing and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Louisiana Tax Commission.

1. Improvements shall be added to the rolls on January 1 following the year the improvements are completed (except Orleans Parish, which shall be on August 1, following the year the improvements are completed). Value of the improvements will be indexed to the date of the last reappraisal.

2. The assessor may reappraise property based on property transfers more often than every four years, if transfers indicate that property in all or a part of the assessing district, or within a certain classification, was appraised inaccurately or was not uniformly appraised during the prior reappraisal. However, the reappraisal shall not be applied on a parcel by parcel basis, but rather, across the board in a given geographical area. Values determined from recent transfers would then be indexed to the date of the last reappraisal.

3. The Louisiana Tax Commission has ordered all property to be reappraised in all parishes for the 1992 tax year. Property is to be valued as of January 1, 1991, in Orleans Parish the same as applies to property in all other parishes.

4. The annual ratio studies of the Tax Commission will be indexed to the date of the last reappraisal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 7:44 (February 1981), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:763 (December 1987), LR 17: (June 1991).

Chapter 35. Miscellaneous

§3503. Preparation of Rolls

A. For 1992, and thereafter, the assessment rolls or lists of each assessor shall indicate, adjacent to each listing, in a form clearly informative to the average person in the parish or district:

1. the Fair Market Value of property which is locally assessed, except land assessed at 10 percent of Use Value;
2. the Use Value of land assessed at 10 percent of Use Value; and

3. the assessment roll shall show:
 - a. the Fair Market Value of the land not subject to Use Value assessment;
 - b. the Use Value of the land, if any;
 - c. the Fair Market Value of improvements for residential purposes;
 - d. the Fair Market Value of improvements for other than residential purposes; and
 - e. the Fair Market Value, by listing, of personal property, and all other property.

B. However, if land and improvements thereon are owned by the same taxpayer or taxpayers, the roll may show a single Fair Market Value for the listing, which is the total Fair Market Value of land and improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), amended LR 17: (June 1991).

Mary K. Zervigon
Chairman

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to adopt the following rule in the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's program.

This rule is mandated by R.S. 46:456(A), R.S. 46:456(B)(2) and R.S. 46:457(B)(3) (Act 566 of the 1989 regular session of the Louisiana Legislature), and 45 CFR 250.73 (e)(1).

RULE

Louisiana will provide a transportation payment of \$33.33 one-third per month, this paid as a one-time allotment of \$100 for a 90-day period, to Project Independence participants who become ineligible for Aid to Families with Dependent Children (AFDC) because of earned income. These payments will assist such individuals in meeting work-related transportation expenses for 90 days subsequent to their ineligibility for AFDC. Payment will be authorized effective the first month of ineligibility for AFDC.

May Nelson
Secretary

RULE

**Department of Social Services
Rehabilitation Services**

The Department of Social Services, Rehabilitation Services has adopted the following rule in the Personal Care Attendant Program.

This is a revised policy manual for the implementation of the Personal Care Attendant Program. This rule has been developed in accordance with Act 781, Chapter 27-A of Title 46 of the Louisiana Revised Statutes of 1950 comprising R.S. 46:2116 through 2116.5, as amended by Act 653 and reenact R.S. 46:2116, 2116.1, 2116.2(A), (B), (C), and (D), 2116.3 (A), 2116.5 (A), (C), and (D).

The proposed rule was published in the *Louisiana Register*, Volume 17, No. 3, March 20, 1991.

Rule

Effective July 1, 1991, the revised policy manual for the Personal Care Attendant Program will become effective. A copy of the plan is available for review by the public at the Rehabilitation Services' Office, 1755 Florida Boulevard, Baton Rouge, LA 70802 and at the Office of the State Register, 1051 Riverside North, Baton Rouge, LA 70804.

May Nelson
Secretary

Notices of Intent

NOTICE OF INTENT

Department of State Civil Service Civil Service Commission

The Civil Service Commission will hold a public hearing on Wednesday, July 10, 1991, to consider repealing Chapter 16 of the Civil Service Rules, consisting of rules 16.1 - 16.21 and to enact in its place proposed Rules 16.1 - 16.18. The hearing will begin at 8 a.m. in the Commission Hearing room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, LA.

PROPOSED RULE

Chapter 16

Investigations

16.1 Purpose of Chapter; Penalties; Orders

(a) To enable the commission to enforce the provisions of the Civil Service article and the Civil Service rules, the commission may investigate conduct asserted to be in violation thereof.

(b) When, after a public investigative hearing, a state classified employee is found to have violated the Civil Service article or a Civil Service rule, the commission may order him suspended, demoted, discharged or otherwise disciplined or fined for contempt in accordance with Rules 2.11 - 2.13.

(c) When, after a public investigative hearing, the conduct of any person is found to have violated the Civil Service article or a Civil Service rule, the commission may issue

such orders as it deems appropriate.

16.2 Requests for Investigation

(a) Any person who suspects that there has been a violation of the Civil Service article or a Civil Service rule may file a request for investigation with the director.

(b) A request for investigation must be in writing and may not be combined with any other matter filed with the director. It should: be clearly identified as a request for investigation; provide the name, mailing address and daytime telephone number of the person filing the request; and describe the conduct to be investigated in as much detail as is available to the person filing the request.

(c) A request for investigation shall not be a public record.

16.3 Investigations by the Director

(a) The director may, on his own initiative, investigate any suspected violation of the Civil Service article or a Civil Service rule and shall conduct such investigations as ordered by the commission.

(b) Upon receipt of a request for investigation, the director or his designee shall conduct such investigation as he deems warranted based on the information contained in the request for investigation. Thereafter, the director shall either file formal charges under Rule 16.4 or notify the person who filed the request for investigation that he has decided not to file formal charges. A copy of Rule 16.4 shall be attached to such notice.

16.4 Formal Charges

(a) Any person who asserts that there has been a violation of the Civil Service article or a Civil Service rule may file formal charges with the commission.

(b) Formal charges should be clearly identified as such, may not be combined with any other matter filed with the director or the commission and must:

1. be in writing;
2. contain the name, mailing address, and daytime telephone number of the person filing the charges (hereafter, the complainant) and of his attorney, if any;
3. contain the name and mailing address of each person who is charged with committing a violation (hereafter, a respondent);
4. identify which provision of the Civil Service article and/or which Civil Service rule was violated;
5. describe, in sufficient detail to enable the respondent to prepare a defense, the conduct that violated the Civil Service article and/or a Civil Service rule;
6. describe, in detail, the facts which led the complainant to conclude that a violation occurred; and
7. state what action the complainant wants the commission to take as a result of the investigation.

(c) When formal charges are filed by someone other than the director, the director shall be given an opportunity to join as a complainant.

(d) Formal charges shall not be a public record.

16.5 Commission Action on Formal Charges

(a) Each filing which purports to be formal charges shall be considered by the commission in executive session. Thereafter, in its sole discretion, the commission may take such action as it deems appropriate, including any of the following:

1. decline to investigate the matter and order the charges dismissed;
2. order the director to conduct an investigation and to

submit a report thereon;

3. offer the complainant an opportunity to provide additional information; and/or

4. order a public investigative hearing on some or all of the charges.

(b) Written notice of the commission's action shall be given to the complainant.

16.6 Docketing of Public Investigations

After the commission orders a public investigative hearing, the charges to be investigated shall be docketed and the case shall become a public record. Copies of the charges to be investigated and the commission's order shall be mailed to each complainant, each respondent and each respondent's appointing authority, if any.

16.7 Parties; Notice to Parties

(a) The parties to a public investigation are the complainant(s) and the respondent(s). Upon his written request, a respondent's appointing authority may be made a party.

(b) Whenever this Chapter requires notice to the parties, notice shall be given to all counsel of record and to all unrepresented parties. Notice to counsel of record shall constitute notice to the party he represents.

16.8 Consolidation of Public Investigations

Two or more public investigations involving common issues of law or fact or two or more public investigations involving the same parties may be consolidated for hearing.

16.9 Notice of Hearings

Written notice of the time and place for a public investigative hearing shall be mailed to the parties at least 30 calendar days before the date of the hearing. With the consent of the parties, this notice and delay may be waived.

16.10 Continuance of Hearings

A public investigative hearing may be continued by the commission on its own motion or by the commission, its chairman or the director:

- (a) for good cause shown; or
- (b) by consent of all parties; or
- (c) if it is not reached for hearing.

16.11 Summary Disposition

(a) The commission, on its own motion or on motion of a party, may summarily dispose of a public investigation under Rule 16.14(b) or Rule 16.15(a) or on any of the following grounds:

1. that the conduct to be investigated, even if proved, would not constitute a violation of the Civil Service article or a Civil Service rule;
2. that the conduct to be investigated has not been described in sufficient detail to enable the respondent to prepare a defense;
3. that the facts asserted to support the conclusion that a violation occurred, even if proved, do not support that conclusion;
4. that the matter under investigation has become moot;
5. that the complainant has already been afforded an opportunity to prove the same charges in an appeal hearing or in another public investigative hearing; or
6. that the complainant has failed to bear his burden of proof.

(b) A party may move for summary disposition orally at the public investigative hearing or in writing any time before the commission renders its final decision in the case.

(c) When the commission summarily disposes of a

public investigation, it shall render a decision in accordance with Rule 16.16.

16.12 Withdrawal of Charges

With the approval of the commission, the charges to be investigated may be withdrawn upon the complainant's written request filed before the date of the public investigative hearing or upon the complainant's oral request made at the hearing.

6.13 Amendment of Charges

1(a) The charges to be investigated may be amended or supplemented by the commission on its own motion or, with the approval of the commission, on written motion of the complainant.

(b) The respondent shall be notified of any amended or supplemental charges to be investigated and shall be given a reasonable opportunity to prepare his defense against the additional charges.

16.14 Procedure for Hearings

(a) The burden of proof, as to the facts, shall be on the complainant.

(b) The commission may require the complainant to give his sworn testimony before hearing any other witness and if the commission finds from such testimony that there is no just or legal ground to support the charges, it may decline to hear or consider any other evidence and dismiss the investigation.

(c) If the investigation is not dismissed under Subsection (b), the commission shall allow the complainant to present such evidence as is relevant to the charges.

(d) The charges against a respondent shall not be accepted as prima facie true. Evidence shall not be received from the complainant to supplement or enlarge the charges except as approved under Rule 16.13. The respondent may rebut any proof offered by the complainant in support of the charges.

(e) Except insofar as they refer to referees, the provisions of Civil Service Rule 13.19(a), (b), (d), (g), (h), (i), (j), (k), (l), (n), (o), (p) and (q) are hereby made applicable to public investigative hearings.

16.15 Failure of Parties to Appear at Hearing

(a) If the complainant, without having been granted a continuance, is neither present nor represented at the place and time fixed for a public investigative hearing, the commission may order the investigation dismissed.

(b) If a respondent or a respondent's appointing authority, without having been granted a continuance, is neither present nor represented at the place and time fixed for a public investigative hearing, he may be deemed to have waived his appearance and testimony may be taken in his absence with the same effect as if he were present.

16.16 Decisions

After concluding a public investigative hearing, the commission shall render a written decision. The commission's decision shall be final on the day that it is rendered and on that date, the director shall mail a copy of the decision to the parties.

16.17 Certain Rules Governing Appeal Hearings Adopted by Reference

Except insofar as they refer to referees, the provisions of the following rules are hereby made applicable to public investigative hearings:

- (a) Rule 13.16 - Place of Hearing
- (b) Rule 13.21 - Subpoena of Witnesses; Production of

Documents

(c) Rule 13.24 - Transcripts of Proceedings of Appeals to the Commission

(d) Rule 13.25 - Refusal to Appear; Refusal to Testify;

False Testimony

(e) Rule 13.26 - Costs of Appeals

(f) Rule 13.27 - Witness Fees

(g) Rule 13.29 - Interlocutory Rulings

(h) Rule 13.32 - Recusation of Commissioner or Referee

(i) Rule 13.33 - Interrogatories; Pre-Trial Discovery; Rehearing of Appeal

16.18 Applicability to Pending Investigations

When this Chapter becomes effective, any investigation which has already been docketed but has not yet been decided shall be processed in accordance with Rule 16.5.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746, Part B - Postsecondary

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved amendments to Bulletin 746, Part B, Postsecondary. See May, 1991 issue of the *Louisiana Register*, for complete text of these amendments which were also adopted as an emergency rule, effective May 23, 1991.

Interested persons may comment on the proposed policy changes and/or additions in writing until 4:30 p.m., August 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

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

Rule Title: Waiver of Certification Requirements for Health Occupations - Practical Nursing Instructors

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

This is revising the Board of Elementary and Secondary Education policy on the certification requirements for the Vocational or Technical Instructor: Full time; Developmental Studies Instructor: Full time, Part time and Extension; Health Occupations - Practical Nursing Instructor: Full time, under Bulletin 746-Part B. The cost to implement this change would be approximately \$75. This would be for printing and postage and to mail out the revisions to the certification bulletin.

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 this action.

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

There will be no cost to persons or non-governmental groups from this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition as a result of this action. By this action, we hope that we can employ better employees for the vocational technical system.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1822

Competency-Based Postsecondary Curriculum Guide

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 1822, Competency-Based Postsecondary Curriculum Guide to change the title of the Culinary Occupations Course to "Culinary Arts and Occupations". The length of the program remains the same.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1991 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

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

Rule Title: Instructor Guides and Amendments to Bulletin 1822, Competency-Based Postsecondary Curriculum Outlines

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

In 1983, the Board of Elementary and Secondary Education adopted the implementation of uniform course titles and time requirements. These amendments to this bulletin are updates on title names, course lengths, and content. The cost to implement this change would be approximately \$75. This would be for printing and postage to mail out the revisions.

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

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

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

There will be no costs or economic benefits to the affected groups. We will, however, produce better trained people for business and industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All technical education students will receive the same minimum curriculum from each technical institute attended. If a student transfers from one institute to another, there will be no lost time. The technical institutes will be producing better products as a result of up-to-date curricula.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1882
Administrative Leadership Academy Guidelines

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the Administrative Leadership Academy Guidelines, Bulletin 1882, under Academy Credit (Credit Requirements/Provisions):

"Administrative Leadership Academy members are required to earn five credits in Leadership/Management training per five-year cycle. Those enrolled in the academy prior to July 1, 1991 shall be exempt from this requirement for their first five-year cycle."

Interested persons may comment on the proposed policy changes, and/or additions in writing until 4:30 p.m., August 8, 1991 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Administrative Leadership Academy
Guidelines/Bulletin 1882**

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

There are no additional implementation costs connected with the revised Administrative Leadership Academy guideline pertaining to Leadership/Management credits. The Administrative Leadership Academy received \$550,000 of 8(g) funds in the current year and it is estimated that \$400,000 of 8(g) funds will be received in 1991-92.

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

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

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

There are no economic benefits to administrators affected by the revised Administrative Leadership Academy guideline pertaining to Leadership/Management credits; individuals attending Leadership/Management training activities may incur registration and/or travel expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition will not be affected. There may be employment consequences for public school administrators who fail to meet the Leadership/Management credit-earning requirement stipulated in the guidelines. Specific consequences cannot be determined.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Technical Institute Name Change

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education changed the name of Memorial Area Technical Institute and J. E. Jumonville, Sr. Technical Institute to Jumonville Memorial Technical Institute which will make Memorial Area Technical Institute and J. E. Jumonville, Sr. Technical Institute one school with the main campus at Memorial (New Roads) and an off-campus facility in Port Allen.

Interested persons may comment on the proposed policy change in writing until 4:30 p.m., August 8, 1991 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Technical Institute Name Change**

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

This is changing the name of Memorial Area Technical Institute in New Roads and J.E. Jumonville, Sr. Technical Institute in Port Allen, Branch of Memorial Area Technical Institute to Jumonville Memorial Technical Institute at New Roads and an off-campus facility at Port Allen. The cost of this change will be to notify all concerned; to have the institute sign changed and when ordering new stationery have the name changed. The cost will be approximately \$500.

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 this action.

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

There will be no costs to persons or non-governmental groups for this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Guidelines for the
Education Majors Scholarship Program - FY 91-92

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the Education Majors Scholarship Program (FY 91-92):

Under III. Eligibility Requirements, amend number one to read:

1. Resident Status - Applicant must be a resident of Louisiana for one year and graduate of a Louisiana public or an approved private high school or a resident of Louisiana for a minimum of five years.

Interested persons may comment on the proposed policy changes and/or additions in writing until 4:30 p.m., August 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

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

**Rule Title: Amendment to Guidelines for Education
Majors Scholarship Program**

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

There are no estimated implementation costs associated with the adoption of this rule.

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

There are no estimated effects on revenue collections.

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

This guideline revision will allow some previously ineligible students majoring in education to apply for scholarships in the amount of \$1,000 per semester.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

An estimated increase of 10-15 eligible applicants annually competing for funding from the Education Majors Scholarship Program is anticipated.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to the Guidelines for the
Post-Baccalaureate Scholarship Program (FY 91-92)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the guidelines for the Post-Baccalaureate Scholarship Program (FY 91-92):

Under IV. ALLOCATION OF FUNDS, amend number five to read:

5. A recipient will be awarded appropriate scholarship money each semester. A promissory note will be signed by the recipient and returned to the Bureau of Continuing Education prior to the allocations each semester.

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., August 8, 1991 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

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

Rule Title: Post-Baccalaureate Scholarship Program

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

There are no estimated implementation costs associated with the adoption of this revised rule.

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

There is no anticipated effect on revenue collections of state or local governmental units as application fees and processing fees are not charged by this scholarship program.

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

Selected individuals with non-education degrees seeking a Louisiana teaching certificate will be given scholarships of up to \$4,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the adoption of this program.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Teacher Tuition Exemption Application Form

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Department of Education's suggestion concerning university signatures on tuition exemption application forms, to become effective for the 1991 summer session as stated below:

"Any student enrolled in a course that has the signature of approval of the Dean (or his/her designee) for tuition exemption, and the course is subsequently decided to be ineligible by the State Department of Education, will be allowed to drop the course at that time regardless of the university's drop policy and not be required to pay any fee. If the student chooses to remain in the course, he/she will be responsible for the appropriate university fees."

This amendment was adopted as an emergency rule, effective April 25, 1991 and printed in the May, 1991 issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy changes and/or additions in writing until 4:30 p.m., August 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendment to Teacher Tuition Exemption Application Form

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs associated with the adoption of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated effects on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule change allows teachers participating in program with the approval of their Dean of Education to drop a course without payment of fees if SDE determines course to be ineligible. Since this rule states that students would not have to pay for an ineligible class if they drop it, a school would lose the number of students dropping times the tuition. Currently, nothing prevents the schools from collecting or keeping the cost of the class. There is no mechanism to determine the exact dollar figure of that loss.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Student Financial Assistance Commission Office of Student Financial Assistance

Definition of Cause and Essential Elements of Proof for Exceptions to Attendance Rules of Scholarships and the Tuition Assistance Plan

The Louisiana Student Financial Assistance Commission advertises its intention to establish rules defining the cause and essential elements of proof required for approval of exceptions to the attendance rules of scholarships and the Tuition Assistance Plan (TAP), as follows:

EXCEPTION PROCEDURE

1. Recipient must submit Exception Request form with documentation.
2. Staff reviews request and documentation to determine if eligible or ineligible for exception. Staff will notify recipient by letter.
3. If determined eligible for exception, recipient will be awarded if he enrolls in the first school term immediately succeeding the exception ending date.
4. If determined ineligible for an exception, subsequent appeals are to be processed in accordance with the commission appeal procedures, now pending final rule.

QUALIFYING EXCEPTIONS

- I. Parental Leave
 - A. Definition: The student/recipient must be pregnant or caring for a newborn or just-adopted child.
 - B. Certification Requirements: A completed LASFAC S/G Exception Request form certified by a written statement from a doctor of medicine who is legally authorized to practice.
 - C. Acceptable Documentation: Must include dates of required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment, and any other supporting information as deemed necessary by LASFAC for file documentation.
 - D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days after occurrence of the qualifying exception.
 - E. Maximum Length of Exception: Up to one academic year.
- II. Rehabilitation Program
 - A. Definition: The student/recipient must be receiving rehabilitation in a program administered by a licensed rehabilitation center under a written individualized plan with specific dates of beginning and ending services.
 - B. Certification Requirements: A completed LASFAC S/G Exception Request form, certified by a rehabilitation counselor and doctor of medicine.
 - C. Acceptable Documentation: Must include dates of the required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment, and any other supporting information as deemed necessary by LASFAC for file documentation.
 - D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days

after occurrence of the qualifying exception.

E. Maximum Length of Exception: Up to two academic years.

III. Temporary Disability

A. Definition: The student/recipient must be recovering from an accident, injury, illness or required surgery that did not previously exist when he/she originally applied for the applicable scholarship/grant program(s), or his/her pre-existing condition has substantially deteriorated since the time of application, or the student/recipient's spouse, dependent or parent requires continuous care for similar conditions for at least 60 days due to an accident, illness, injury or required surgery.

B. Certification Requirements: Certified by a doctor of medicine who is legally authorized to practice and by a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of the required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, the required treatment and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days after occurrence of the qualifying exception.

E. Maximum Length of Exception: Up to two academic years for recipient; up to a maximum of one academic year for care of disabled spouse, parent, etc.

IV. Internship/Residency Program

A. Definition: The student/recipient must be enrolled in a required program that must be completed in order to begin professional practice or service; the program must be a program where the student is working toward an appropriate scholarship program degree.

B. Certification Requirements: Certified by a written statement from an internship or residency program official and a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of required leave of absence from the school's dean, academic counselor, or major professor stating that the residency/internship is a requirement toward fulfilling an appropriate scholarship/grant program degree, and that the student has been accepted into the residency/internship program, the semester(s) or number of days involved, the length of the internship/residency period, the beginning and ending dates of the leave of absence, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed LASFAC S/G Exception Request form with certification and documentation requirements within 60 days of notification of acceptance into the internship.

E. Maximum Length of Exception: Up to two academic years.

V. Cooperative Work/Study Programs

A. Definition: The student/recipient must be a registered student in the appropriate school offering the cooperative work/study program. Even though the school may have entrance requirements for the cooperative work/study programs, the student/recipient must continue to meet and maintain scholarship/grant program cumulative grade point average requirements.

B. Certification Requirements: Certified by a written statement from the college/school official including dates of enrollment and termination, and by a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of leave of absence from the school's dean, academic counselor, or major professor stating that the student is enrolled in an official cooperative work/study program sponsored by the university, the semester(s) or number of days involved, the beginning and ending dates of the cooperative work-study program, and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file a completed S/G Exception Request form with certification and documentation requirements within 60 days of acceptance into the cooperative work/study program, or 30 days prior to the beginning dates of the cooperative work/study employment, whichever is sooner.

E. Maximum Length of Exception: Up to one academic year.

VI. Religious

A. Definition: The student/recipient must be a member of a religious group that requires the student to perform certain activities/obligations which necessitates taking a leave of absence from college/school.

B. Certification Requirements: Certified by a written statement from the college/school official, by a completed LASFAC S/G Exception Request form, and a statement from the religious group's governing official.

C. Acceptable Documentation: Must include dates of the required leave of absence from the religious group's governing official, a completed LASFAC S/G Exception Request form, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of the religious obligation, and any other supporting documentation as deemed necessary by LASFAC.

D. Filing Requirements: The student/recipient must file a completed S/G Exception Request form within 30 days after accepting or committing to the religious obligation.

E. Maximum Length of Exception: Up to two academic years.

VII. Death of Immediate Family Member

A. Definition: The student cannot attend school for at least 30 days due to recovering from the death or multiple deaths of a spouse, parent, dependent, sister or brother.

B. Certification Requirements: Certification must be a written statement from the college/school official, a completed LASFAC S/G Exception Request form, a copy of the death certificate, and a doctor's statement.

C. Acceptable Documentation: Must include dates of leave of absence from the school's registrar, a doctor's statement if student/recipient care was needed, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, and any other supporting documentation as deemed necessary by LASFAC.

D. Filing Requirements: The student/recipient must file a completed S/G Exception Request form with certification and documentation requirements within 60 days of the date of death.

E. Maximum Length of Exception: Up to one academic semester.

VIII. Military Service

A. Definition: The student/recipient is called on active

duty status with the United States Armed Forces or is performing duty with the National Guard called to perform emergency state service.

B. Certification Requirements: Certified by a written statement from the commanding officer or certified military orders, and by a completed LASFAC S/G Exception Request form.

C. Acceptable Documentation: Must include dates of required leave of absence, the necessity of withdrawing, dropping hours, etc., the semester(s) or number of days involved, the length of duty (beginning and ending dates), and any other supporting information as deemed necessary by LASFAC for file documentation.

D. Filing Requirements: The student/recipient must file completed LASFAC S/G Exception Request form with certification and documentation requirements within 30 days after military notification of active duty.

E. Maximum Length of Exception: Up to the length of the required service period.

NON-QUALIFYING EXCEPTIONS

1. Student volunteers for Peace Corps or comparable full-time volunteer work.

2. For TAP program only, student and/or parents failed to file tax forms or failed to receive extensions for filing, when required to do so by law.

3. Student is unaware of continuation/renewal requirements for program or fails to meet the requirements.

4. Student failed to timely submit exception form for approval of exception to continuous enrollment requirement.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., July 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Definition of Cause and Essential Elements of Proof for Exceptions to Attendance Rules of Scholarships and the Tuition Assistance Plan (TAP)

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

Individuals who currently lose eligibility for absences from school could reinstate their scholarship or tuition assistance plan eligibility under certain circumstances. For scholarships limited by appropriations no additional costs are incurred, but some otherwise eligible students could be denied funding as the result of reinstatement of some students. For the Tuition Assistance Plan (an entitlement program) an increase in funding may result if students who previously lost eligibility as the result of failure to maintain continuous enrollment qualify for reinstatement under one of the exceptions specified by rule.

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

The implementation of these rules will not impact revenue collections on state or local governmental units.

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

To enable the staff of LASFAC's Scholarship/Grant Division to act on student requests for exceptions under scholarship program provisions, qualifying exceptions and the elements of proof necessary to support the exception must be clearly defined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact is expected on competition and employment.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Student Financial Assistance Commission Office of Student Financial Assistance

Definition of School Participation Limitations,
including Fidelity Bond Coverage/Escrow Account

The Louisiana Student Financial Assistance Commission advertises its intention to establish rules defining school participation limitations, including optional fidelity bond coverage. Section V "Institutional Participation", Section B of the LASFAC Guaranteed Student Loan Policy and Procedure Manual would be amended to add paragraph 8, which will read as follows:

B. Schools

It is the policy of LASFAC to approve for eligibility in the Louisiana Student Loan Programs (LSLP), all schools or branches that:

8. Lacking a record of performance with the guaranteed student loan program:

a. Have provided fidelity bond coverage in favor of the Office of Student Financial Assistance in an amount of at least 20 percent of the anticipated and actual annual loan volume for the first year of operation in this program. Said bond is to cover the liability of the school to students, this agency, lenders, or the federal government, for unauthorized use of Guaranteed Student Loan Program Funds. After one year, the requirements of the bond may be dropped if, after a program review and submission of a reviewed financial statement or a designated tax return, the school meets certain administrative and financial criteria set by the agency. Schools which terminate bond coverage prior to the authorization of LASFAC as provided herein, must agree that such bond termination constitutes their notice of termination from participation in the agency's guaranteed student loan programs. This section shall only apply to schools which are not currently participating in the agency's program and which are operated on a for-profit basis.

b. In lieu of a fidelity bond coverage an institution (school) may elect to voluntarily place all proceeds from a guaranteed student loan for a particular student in an escrow tuition account and agree to withdraw funds from this account on a pro rata basis (by the month) for the complete length of the course of training. A listing of students showing

entry date and date of scheduled completion, along with the bank statements, shall be submitted monthly to LASFAC for the first year such a school is in the GSL program. Two weeks before the end of the first year of such a new institution, LASFAC will conduct a program review and if no significant findings are found, then this voluntary procedure may be terminated by the first year school and it will be treated as all other institutions participating in the GSL program.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., July 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

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

**Rule Title: Definition of School Participation Limitations,
including Fidelity Bond Coverage/Escrow Account**

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

Based on the record of school closures to date there would be a significant decrease in the monetary losses incurred by students and this agency as a result of the financial failure of participating schools if this policy is adopted. The escrow account option would place a student's tuition paid from student loan proceeds in an interest bearing escrow account for withdrawal by the school on a pro rata basis as each month of education is completed. The interest accruing on the escrow would be used by the school to cover its costs in administering the escrow account.

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

No increased revenue collections are anticipated from implementation of this policy.

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

Increased costs to schools are associated with the acquisition of fidelity bond coverage for those schools opting for that means of entry into the guaranteed student loan program in Louisiana. Use of the escrow option rather than of a limitation of loan funds for a specific period of time, would enable the school to recruit more students who are paying tuition from guaranteed student loans.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

No impact on competition and employment is estimated from implementation of this policy.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Legal Affairs and Enforcement**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq., particularly La. R.S. 30:2011, and in accordance with the provisions of the Administrative Procedure Act, LA R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Office of the Secretary regulations, LAC 33:I.Chapters 5, 7, 13, 17 and 23 (Log Number OS10). Chapters 2, 3, 4 and 9 of the Rules of Procedure of the Environmental Control Commission dated July 22, 1980 and effective August 22, 1980 will be repealed in their entirety.

These proposed Departmental Administrative Procedures will provide a uniform and consistent system for governing administrative procedure within the Department of Environmental Quality. Specifically, LAC 33:I. Chapters 5, 7, 13, 17 and 23 will establish procedural rules for pleadings, administrative enforcement, public hearings, public notice procedure, and inspections. Future rulemaking proposals under LAC 33:I. will supplement this proposed rule and will address topics such as adjudication, construction and effect, and hearing costs.

These proposed regulations are to become effective on September 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on July 25, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 26, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log Number OS10. Copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

- Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810.

- Department of Environmental Quality, 804 31st Street, Monroe, LA 71203.

- Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

- Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601.

- Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002.

- Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

- Office of the State Register, 1051 Riverside, Room 512, Baton Rouge, LA 70804.

J. Terry Ryder
Assistant Secretary

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

**Rule Title: Departmental Administrative Procedures, LAC
33:I. Chapters 5, 7, 13, 17, 23**

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

There will be some savings to the state under these rules because the state/DEQ no longer must pay the newspaper public notice advertising costs on certain permit applications which require a public notice of submission to the department. Under these rules of procedure, these costs may now be borne by the permit applicant, resulting in an estimated savings to the department of approximately \$12,000 annually. These savings, however, are difficult to accurately project.

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

There is no anticipated effect on revenue collections due to this proposed action.

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

Adoption of these rules will result in increased costs to directly affected persons. Public notice advertising costs on permit applications which require a public notice may now be borne by the permit applicant rather than DEQ. These costs are difficult to accurately project; however, it is estimated that costs to directly affected permit applicants will increase by approximately \$12,000 annually.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There is no anticipated effect of this proposed action on competition and employment in the public and private sector.

J. Terry Ryder
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste**

Under the authority of the Louisiana Environmental Quality Act, LA R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, LA R.S. 49:950. et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Regulations, LAC 33:V.Subpart 1, (Log Number HW28).

These proposed regulations will amend LAC 33 V.105.D to allow for an exemption for used chlorofluorocarbon (CFC) refrigerants that are recycled. These used refrigerants would otherwise be classified hazardous by the Toxicity Characteristic Leaching Procedure LAC 33 V.4903.E, promulgated April 20, 1991, in the *Louisiana Register*. These regulations will revise state regulations to be consistent with current federal regulations. See *Federal Register* published February 13, 1991, 56 FR 5910, Number 30.

These proposed regulations are to become effective on September 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

**Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality -
Hazardous Waste**

Chapter 1. General Provisions and Definitions

* * *

§105. Program Scope

* * *

**D. Exemptions, Exceptions, and/or Modifications to
Otherwise Applicable Provisions of These Regulations**

* * *

41. Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerants are stored in an environmentally sound manner and are reclaimed for further use, are exempt from these regulations.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790-791 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217-218 (March 1990), LR 16:220 (March 1990), LR 16:398-399 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), amended LR 17:

* * *

A public hearing will be held on July 25, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, July 26, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log Number HW28.

J. Terry Ryder
Assistant Secretary

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

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

There will be no significant implementation costs or savings to state or local government, as the proposed regulations will allow state regulations to conform to existing federal regulations.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no significant effect on competition or employment.

Timothy W. Hardy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Office of Governor
Division of Administration
State Land Office**

Under the authority of R.S. 50:171 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the commissioner of administration gives notice of his intent to adopt rules and regulations pertaining to Standards for a Statewide Land Information Mapping and Map Records System of all lands, private and public, within Louisiana.

These new rules and regulations establish standards for the development of accurate, complete and compatible geographic base map products which form the framework and foundation to facilitate subsequent land parcel mapping activities. Major topics addressed under these standards include uniform requirements for map accuracy, ground control densification, aerial photography, photo laboratory procedures, analytic aerial triangulation, digital mapping, geographic base map preparation, land parcel mapping, associated relational data base development, and standardized map feature elements. These standards outline the orderly development of each major phase of work to be accomplished in connection with the implementation of a Land Information System and establish minimum criteria necessary for acceptable completion of each phase.

Copies of these rules may be obtained from the State Land Office, 625 North 4th Street, Box 44124, Baton Rouge, LA, 70804-4124 or at the Office of State Register 1051 Riverside North, Baton Rouge, LA.

Written comments should be forwarded to Mr. H. Glen Kent, Jr., Public Lands Administrator, State Land Office at the above address, and will be accepted through the close of business at 4:30 p.m. on August 7, 1991.

H. Glen Kent, Jr.
Public Lands Administrator

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

Rule Title: Land Information Mapping and Map Records System

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

Implementation costs in the form of professional contract services to the Division of Administration was \$27,000 which included copy costs. However, development of a Land Information Mapping and Map Records System in accordance with these standards will cost each participating parish approximately \$1.5-2 million.

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

Adoption of these standards will have no effect on revenue collections of state or local governmental units.

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

The standards will assure that the assessment rolls of the parishes will contain a complete list of all taxable property. The maps and data bases developed will be used to all local agencies (water, gas and sewage departments, EMS, 911, etc.).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of these standards will promote and ensure compatibility, uniformity, and cost-effectiveness by public entities.

H. Glen Kent, Jr.
Public Lands Administrator

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators**

In accordance with the provisions of R.S. 37:2501 et seq., and the Administrative Procedure Act, 49:950, the Louisiana State Board of Examiners for Nursing Home Administrators hereby gives notice of its intent to amend rules and regulations relative to licensing and regulating nursing home administrators.

Copies of this proposed rule may be obtained at the Board of Examiners for Nursing Home Administrators, 4560 North Boulevard, Suite 115A, Baton Rouge, LA 70806 (Telephone: 504/925-4591), or at the Office of the State Register, 1051 Riverside North, Baton Rouge, LA 70804.

Interested persons may submit written comments to Winborn E. Davis, Executive Director of the Board of Examiners for Nursing Home Administrators at the above address.

Winborn E. Davis
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Administrator Licensing and Regulating**

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

Winborn E. Davis
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

In accordance with the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health intends to amend the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program found in the *Louisiana Register*, Vol. 16, No. 6, page 525-526 (June 20, 1990).

**Title 48
PUBLIC HEALTH - GENERAL
Part V. Preventive Health Services
Subpart 13. Family Planning Services
Chapter 37. Fees**

§3703. Fee Adjustment Schedule

B. Persons whose adjusted income in accordance with family size is at or below 100 percent of poverty as is defined by the United States Community Services Administration poverty guidelines shall not be charged for Family Planning services. Persons whose gross family income is at or above 250 percent poverty as is defined by the United States Community Services Administration poverty guidelines shall be charged the full cost of services provided. Between these two levels, fees shall be adjusted in accordance with the formula included in the "Schedule of Charges." Effective June 1991 the current fee schedule shall be revised as follows:

FEE ADJUSTMENT SCHEDULE

FAMILY SIZE	I 100% OR LESS NO CHARGE		II 101%-115% 10% OF COST		III 116%-130% 20% OF COST		IV 131%-145% 30% OF COST		V 146%-160% 40% OF COST	
	1		6620	6686	7679	8672	9665			
2		8830	8969	10301	11633	12965				
3		11140	11251	12922	14593	16264				
4		13400	13534	15544	17554	19564				
5		15660	15817	18166	20515	22864				
6		17920	18099	20787	23475	26163				
7		20180	20382	23409	26436	29463				
8		22440	22644	26030	29396	32762				
9		24700	24947	28652	32357	36062				
10		26960	27230	31274	35318	39362				
11		29220	29512	33895	38278	42661				
12		31480	31795	36517	41239	45961				
13		33740	34077	39138	44199	49260				
14		36000	36360	41760	47160	52560				
15		38260	38643	44382	50121	55860				
16		40520	40925	47003	53081	59159				
17		42780	43208	49625	56042	62459				
	VI 161%-175% 50% OF COST	VII 176%-190% 60% OF COST	VIII 191%-205% 70% OF COST	IX 206%-220% 80% OF COST	X 221%-235% 90% OF COST	XI 236%-250% 100% OF COST				
	10658	11651	12644	13637	14630	15623				
	14297	15629	16961	18293	19625	20957				
	17935	19606	21277	22948	24619	26290				
	21574	23534	25594	27604	29614	31624				
	25213	27562	29911	32260	34609	36958				
	28851	31539	34227	36915	39603	42291				
	32490	35517	38544	41571	44598	47625				
	36128	39494	42860	46226	49592	52958				
	39767	43472	47177	50882	54587	58292				
	43406	47450	51494	55538	59582	63626				
	47044	51427	55810	60193	64576	68959				
	50683	55405	60127	64849	69571	74293				
	54321	59382	64443	69504	74565	79626				
	57960	63360	68760	74160	79560	84960				
	61599	67338	73077	78816	84555	90294				
	65237	71315	77393	83471	89549	95627				
	68876	75293	81710	88127	94544	100961				

This action to revise the Fee Adjustment Schedule is the result of changes in the federal regulations governing this federally funded program as set forth in 42 CFR 59.5A5 dated June 30, 1980. In essence, the federal regulation requires the state agency administering the program to adopt the most recent poverty guidelines as published by U.S. Office of Management and Budget. The most recently announced federal guidelines were promulgated on February 20, 1991, pages 6860-6861 in the *Federal Register* Volume 56, No. 34.

Interested persons may submit written comments or questions to the following address: Joel L. Nitzkin, M.D., D.P.A., Director, Office of Public Health, Department of Health and Hospitals, Box 60630, Room 513, New Orleans, LA 70160. Comments or questions shall be received until 4:30 p.m. on July 30, 1991.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Family Planning Program Revised Fee
Adjustment Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no expected increase in costs nor savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No significant change is expected in revenue collections with this revision of the fee schedule for Fiscal Year 1992.
There may be a slight increase in revenue generated as a result of past due bills being paid, and because the increase in service cost has resulted in persons remaining in or entering the high pay groups paying more. Ex. FY 89's increase in revenue was \$2,837. FY 90's increase was \$14,725.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Some patients who were previously charged will not be because of the rise in the poverty index. The charges to other paying patients will be considerably less because they will be dropped to a lower paying group. Persons entering pay groups may pay more because of the increase in service cost.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect is anticipated in competition and employment as the same kind and amount of service will be offered.

Dr. Joel L. Nitzkin
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of
River Port Pilot Commissioners**

The Board of River Port Pilot Commissioners intends to amend Section IV, Rule 8, in the second full paragraph, sub-part (b), by increasing deadweight tonnage from 25,000 to 35,000, wherein the paragraph shall now read as follows:

After being commissioned a river port pilot by the Governor of Louisiana, the newly commissioned pilot shall be allowed to pilot the following vessels in the first four months subsequent to the issuance of the pilot's commission:

- (a) Vessels up to 30 feet in draft;
- (b) Vessels up to 35,000 deadweight tons;
- (c) Vessels up to 600 feet in length.

Interested persons may comment on the proposed amendment to the rules and regulations of the Board of River Port Pilot Commissioners, in writing, until June 8, 1990, at the following address: Captain James Donahue, Board of River Port Pilot Commissioners, Box 848, Belle Chasse, LA 70037.

James W. Donahue, Jr.
President

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The amendment of rules regarding the increase of the deadweight tonnage limitation placed on newly commissioned pilots will result in no fiscal impact to the state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections as a result of the amendment of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no cost to River Port Pilots or the apprentices as a result of the amendment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition between River Port Pilots.

James W. Donahue, Jr.
President

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to adopt the following rule in the Individual and Family Grant (IFG) Program. The IFG Program will be administered in accordance with federal regulations at 44 CFR 206.131. Federal regulations published in the *Federal Register* of Thursday, September 27, 1990, Vol. 55, No. 188, page 39520, mandate an October 1, 1990 implementation date for the increased grant amount. The rule published in the *Louisiana Register*, Vol. 15, No. 9, September 20, 1989, page 744, is hereby amended.

PROPOSED RULE

The maximum grant amount in the IFG Program has been changed to \$11,000. The amount will be adjusted at the beginning of each federal fiscal year to reflect changes in the Consumer Price Index for All Urban Consumers, published by the U.S. Department of Labor.

The dollar value of the required flood insurance policy for housing and personal property grants where the applicant resides in a flood zone will change to \$7,000 building and \$4,000 contents for a homeowner, and \$11,000 contents for a renter.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. Mr. Prejean is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on July 29, 1991 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested per-

sons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: IFG Program Grant Changes**

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

The average cost of grants could increase by \$1,000 depending upon the severity of the disaster. The grant maximum changed from \$10,000 to \$11,000. Because each disaster is inherently different, it is not possible to predict the cost.

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

There is no effect on revenue collections.

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

The cost of the required flood insurance for homeowners might increase because the amount of required coverage has increased.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to adopt the following rule change in the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's program.

This rule is mandated because it will require an amendment to the Louisiana State Plan for JOBS.

PROPOSED RULE

Effective October, 1991, the Department of Social Services, Office of Family Support, will implement the Community Work Experience Program (CWEP) as a component of Project Independence. The purpose of this component is to improve the employability of Project Independence participants not otherwise able to obtain employment by providing work experience and training to assist them to move promptly into regular public or private employment. This program will be administered in accordance with federal regulations at 45 CFR 250.63 and the Louisiana State Plan for JOBS.

This CWEP component will be initially implemented in October, 1991 in Caddo Parish with subsequent expansion into other Project Independence parishes as deemed appropriate by the secretary of the Department of Social Services.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on July 25, 1991 in Room 205 of the State Office Building at 1525 Fairfield Avenue, Shreveport, LA beginning at 11 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Job Opportunities and Basic Skills (JOBS)
Training Program, or Project Independence**

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

There are no implementation costs associated with this rule implementing the Community Work Experience Program (CWEP) in Project Independence.

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

This rule will have no effect on revenue collections.

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

The Job Opportunities and Basic Skills (JOBS) Training Program, known as Project Independence in Louisiana, assists recipients of Aid to Families with Dependent Children (AFDC) to become self-sufficient and therefore independent of public assistance. This is accomplished by providing education, training, job placement and employment. A total of \$14,095,476 has been budgeted for FY 91/92 for providing these program components. Implementation of the CWEP component will have no impact on total program costs. This is because the entire Project Independence Program is funded through capped entitlement which establishes a funding limit on program expenditures. Implementation of this new component will require a reordering of how these funds are spent.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, proposes to adopt the following rule to implement the Job Opportunities and Basic Skills Training Programs (JOBS), referred to as Project Independence (the name of Louisiana's program), in nine additional parishes.

This rule is mandated by federal regulations as published in the *Federal Register* of Friday, October 13, 1989, Vol. 54, No. 197, pages 42146-42267, Act 566 of the 1989 regular session of the Louisiana Legislature and Act 604 of the 1990 regular session of the Louisiana Legislature which requires the implementation of the JOBS program for recipients of Aid to Families with Dependent Children (AFDC). Project Independence will be administered in these parishes in accordance with the above-referenced regulations and law, and the Louisiana State Plan for JOBS.

PROPOSED RULE

Effective October, 1991, the Department of Social Services, Office of Family Support, will implement Project Independence in the following parishes: Bossier, Concordia, Grant, Jefferson (east and west bank offices), Lafayette, Rapides, St. Bernard, Terrebonne and West Baton Rouge. Project Independence is designed to assist recipients of AFDC to become self-sufficient by providing needed employment-related activities and support services. The program will be administered in these additional parishes in the same manner as in the 10 initial implementation parishes where it was established in October, 1990. (Refer to the July 20, 1990 issue of the *Louisiana Register*, Vol. 16, No. 7, Part I, pages 626-627, for the rule establishing the JOBS Program.)

Interested persons may submit written comments to the following address: Howard J. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on July 29, 1991 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Job Opportunities and Basic Skills (JOBS) Training Program, or Project Independence

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

This rule is for implementation of Project Independence in nine additional parishes on October 1, 1991: Bossier, Concordia, Grant, Jefferson (east and west bank offices), Lafayette, Rapides, St. Bernard, Terrebonne and West Baton Rouge. This is estimated to result in an increase in expenditures for employment-related activities

and the provision of child care, transportation and other supportive services as follows:

FY	TOTAL	FEDERAL	STATE
91/92	\$6,580,342	\$4,570,553	\$2,009,789
92/93	\$7,421,309	\$5,257,309	\$2,164,000
93/94	\$9,155,950	\$6,481,580	\$2,674,370

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

Federal matching funds from the U.S. Department of Health and Human Services are estimated to be:

\$4,570,553 in FY 91/92

\$5,257,309 in FY 92/93

\$6,481,580 in FY 93/94

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

Project Independence assists recipients of Aid to Families with Dependent Children (AFDC) to become self-sufficient and therefore independent of public assistance. This is accomplished through the provision of education, training, job placement and employment, and other related supportive services including child care and transportation. It is estimated that an average of 1,465 participants will be assisted each month in FY 91/92 and FY 92/93 in these nine parishes, this number increasing to 1,998 participants in FY 93/94.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition. A long-term effect on employment may be increased opportunities for employment in the fields of training, child care and transportation services. The program also has the long-range potentials of reducing the state's unemployment rate and creating a more highly skilled workforce.

Howard L. Prejean
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Social Services Louisiana Rehabilitation Services

Policy Manual

The Department of Social Services/Louisiana Rehabilitation Services has completed revision of its policy manual and advertises its intent to adopt the revised policy for implementation of its program in accordance with the Administrative Procedure Act, (R.S. 49:950) as amended. A copy of the manual is available for review by the public of the Louisiana Rehabilitation Services (LRS) Office, 1755 Florida Boulevard, Baton Rouge, LA 70802. Interested parties may call the office at 342-2294 to arrange to review the policy manual. A copy of the manual may also be reviewed at the office of the State Register, 1051 Riverside, Baton Rouge, LA 70804. Public hearings beginning at 10 a.m. will be held, on July 25th, 26th, and July 29th, and 30th, 1991, in Shreveport, Alexandria, Baton Rouge, and New Orleans, respectively. The hearing locations are as follows:

Shreveport	1525 Fairfield Avenue	LRS Regional Office
Alexandria	900 Murray Street	LRS Regional Office
Baton Rouge	1755 Florida Boulevard	LRS State Office
New Orleans	2026 St. Charles Avenue	LRS Regional Office

All interested persons will be afforded an opportunity to express issues, views, or concerns at the hearings. Written commentary will also be accepted by LRS prior to the hearings, during the hearings, and up through August 5, 1991, after the hearings.

May Nelson
Secretary

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

Rule Title: Louisiana Rehabilitation Services Policy Manual

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Louisiana Rehabilitation Services has sufficient funds to provide Rehabilitation services to the severely disabled and administer the program as Act 21 was approved by the Louisiana Legislature.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Louisiana Rehabilitation Services has sufficient funds to provide services to severely disabled individuals in Selection Group 1. Individuals in Selection Group 2 and 3 will not be provided planned cost services unless funds are determined to be available as has been the case since March, 1988.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no proposed change in competition and employment in the public and private sectors.

Alton Toms
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Social Services
Louisiana Rehabilitation Services**

Three-Year State Plan

The Department of Social Services/Louisiana Rehabilitation Services has completed its Three-Year State Plan and advertises its intent to adopt the plan for implementation of its programs in accordance with the Administrative Procedure Act (R.S. 49:950) as amended. A copy of the Three-Year State Plan is available for review by the public at the Louisiana Rehabilitation Services (LRS) Office, 1755 Florida Boulevard, Baton Rouge, LA 70802. Interested parties may call

the office at 342-2294 to arrange to review the Three-Year State Plan. A copy of the Three-Year State Plan may also be reviewed at the office of the State Register, 1051 Riverside, Baton Rouge, LA 70804.

Public hearings beginning at 10 a.m. will be held on July 25th, 26th, and July 29th, and 30th, 1991, in Shreveport, Alexandria, Baton Rouge, and New Orleans, respectively. The hearing locations are as follows:

Shreveport	1525 Fairfield Avenue	LRS Regional Office
Alexandria	900 Murray Street	LRS Regional Office
Baton Rouge	1755 Florida Boulevard	LRS State Office
New Orleans	2026 St. Charles Avenue	LRS Regional Office

All interested persons will be afforded an opportunity to express issues, views, or concerns at the hearings. Written commentary will also be accepted by LRS prior to the hearings, during the hearings, and up through August 5, 1991, after the hearings.

May Nelson
Secretary

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

Rule Title: Louisiana Rehabilitation 3-Year State Plan

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Louisiana Rehabilitation Services has sufficient funds to provide client services and administer the program as Act 21 was approved by the Louisiana Legislature.

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

Louisiana Rehabilitation Services has sufficient funds to provide services to severely disabled individuals in Selection Group 1. Individuals in Selection Group 2 and 3 will not be provided planned cost services unless funds are determined to be available as has been the case since March, 1988.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no proposed change in competition and employment in the public and private sectors.

Alton Toms
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Deferred Compensation Commission**

In accordance with the Louisiana Administrative procedure Act (R.S. 49:950 et seq.) notice is hereby given that

the Louisiana Deferred Compensation Commission intends to amend Article III, Section 1(b), of the rules of the Commission as follows:

The minimum amount of Compensation deferred under a Deferral Authorization shall be no less than \$20 each month; provided however, that such minimum deferral shall not apply to a Participant whose Deferral Authorization (or similar form) in effect on October 1, 1984, permitted a small deferral, nor to a Participant who elects to defer not less than 7.5 percent of Compensation (voluntary and/or involuntary contributions) in lieu of Social Security coverage (Section 11332 of the Social Security Act and Section 3121 of the IRC).

Interested persons may submit written comments on this proposed rule to Kenneth C. DeJean, Secretary, Deferred Compensation Commission, Box 94005, Baton Rouge, LA 70804. Comments will be accepted through the close of business at 5:00 p.m., on August 31, 1991.

Kenneth C. DeJean
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Minimum Monthly Deferred
Compensation Authorization**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No savings to state. Local governmental units may enjoy savings by being relieved from requirement of employers' liability for Social Security contributions of employees who elect to participate.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Employees subject to Social Security contributions will be able to substitute Deferred Compensation contributions for the 7.5 percent employee contribution to Social Security.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None.

Kenneth C. DeJean
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with R.S. 49:950 et seq., the Wildlife and Fisheries Commission hereby advertises its intent to adopt the following rule.

**Title 76
WILDLIFE AND FISHERIES**

Part VII. Fish and Other Aquatic Life

**Chapter I. Freshwater Sport and Commercial Fishing
§153. Bowfin Minimum Size Regulations**

The Louisiana Wildlife and Fisheries Commission hereby:

- A. establishes a statewide 22'' minimum size limit on bowfin (*Amia Calva*) harvested for commercial purposes;
- b. prohibits commercial fishermen, while on the water, from possessing bowfin eggs that are not naturally connected to a whole fish;
- c. provides bowfin with adequate protection as the roe fishery for this species expands. Research on this species indicates that the majority of 22'' female bowfin have spawned at least one time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25) (a), 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17.

Interested persons may submit written comments on the proposed rule to the following address before July 31, 1991: Bennie J Fontenot, Jr., Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bowfin Minimum Size Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using the existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule will have no immediate costs or economic benefits. It may prevent the overharvest of bowfin that could have led to reduced incomes of commercial fishermen harvesting bowfin.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no effect on competition and employment.

Bettsie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

Committee Report

GOVERNOR'S RESPONSE TO COMMITTEE REPORT May 16, 1991

(Editor's Note: The below referenced committee report appeared in the May 20, 1991 *Louisiana Register*, page 528.)

Dear Senator Jumonville and Representative Sittig:

I have received the report of the Senate and House Commerce Committees, which found unacceptable certain proposed rules by the Louisiana Department of Economic Development providing for environmental criteria for rating tax exemptions. The proposed rules were formally reviewed by the committees on May 6, 1991. The report was forwarded to me in accordance with Louisiana Revised Statutes 49:968(F).

Pursuant to Louisiana Revised Statutes 49:968(G) and (I.), I have decided to disapprove the action taken by the Senate and House Commerce Committees in this matter, and the purpose of this letter is to notify you of my decision.

The purpose of the subject proposed rules, as you know, is to strike a reasonable and equitable balance between two very important goals in our state: economic development and respect for our environment. Both of those objectives have been given the highest priority in my Administration and I believe they are important to most Louisianians. I know they are important to you and the members of your committees, as well. As you also know, the Department of Economic Development, the Board of Commerce and Industry, the Legislature, the business community, the environmental community and I have been working on and developing these proposed rules at least since October of 1990. Literally thousands of hours have been spent by these parties in that effort, which, in my opinion, has resulted in a rule that is both workable and fair to all involved. Were I not to disapprove of the committee's action, the proposed rule could not take effect and a great deal of hard and productive work would be lost. Additionally, and more importantly, both economic development and our environment would suffer if the rules did not take effect immediately, in my opinion. That is why I respectfully must disapprove the committee's action.

By taking this action, it is not my intention that the debate over these rules should end. Numerous changes have been suggested to the rules by the members of the Senate and House Commerce Committees as well as by those private citizens testifying before the committees. These proposed changes may, in fact, be improvements and may, as the proponents suggest, operate to enhance the efficacy of the rules in achieving their purpose. For that reason, I will ask the Board of Commerce and Industry within the Louisiana Department of Economic Development to consider these proposed changes at its next meeting and to make recommendations to me regarding their adoption. I will consider those recommendations carefully and pledge to work with the department, the board, the Legislature, your com-

mittees and all other interested parties in our joint effort to improve the rules.

Pursuant to Louisiana Revised Statutes 49:968(I), I am also delivering a copy of this letter to the Louisiana Department of Economic Development and to the State Register.

Thank you very much for your time and assistance in this matter.

Buddy Roemer
Governor

Potpourri

POTPOURRI

Department of Health and Hospitals Board of Embalmers and Funeral Directors

The Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, August 17, 1991 at Delgado Community College, 615 City Park Ave., New Orleans.

Interested persons may obtain further information from the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino
Confidential Assistant

POTPOURRI

Department of Natural Resources Office of the Secretary

Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 19 claims in the amount of \$53,051.59 were received in the month of May 1991, four claims in the amount of \$6,146.19 were paid, and two claims were denied.

Loran C. coordinates of reported underwater obstructions are:

26644	46977
26500	46976
29045	46876
28088	46829
26760	46979
28793	46844
28612	46852
26698	46975
28396	46864

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez
Secretary

Copies of the federal regulations and act will be available at the hearings.

May Nelson
Secretary

POTPOURRI

Department of Social Services Office of the Secretary

Notice is hereby given that a public hearing will be held to provide and receive information regarding the implementation of the Child Care and Development Block Grant. Copies of the regulations will be available for review and comment at the hearing which will be held on July 17, 1991 at 10 a.m. at 755 Riverside Mall, Baton Rouge, LA in Auditorium A on the 2nd floor.

May Nelson
Secretary

POTPOURRI

Department of Social Services Office of the Secretary

Notice is hereby given that public hearings will be held regarding the implementation of the Child Care and Development Block Grant. The purpose of the grant is to provide child care for families in need and to improve the overall quality of child care in Louisiana. The grant is for \$22 million for the first year. Implementation will begin on October 1, 1991. The public is invited to attend the public hearings and make comments on implementation of this grant. The hearings will be conducted as follows:

July 29, 1991	July 30, 1991
Shreveport	Lafayette
State Office Building	State Office Building
1525 Fairfields Avenue	302 Jefferson Street
Room 205 OFS Conference	The Blue Room 1st Floor
9 a.m.	9:30 a.m.
Monroe	New Orleans
State Office Building	Avenue Building
122 St. John Street	Magnolia Room 4th Floor
4th Floor Conference Room	2026 St. Charles Avenue
1:30 p.m.	10 a.m.
Baton Rouge	Alexandria
State Office Building	State Office Building
755 Riverside Mall	900 Murray Street
Auditorium A 2nd Floor	1st Floor Conference Room
1 p.m.	9 a.m.

**CUMULATIVE INDEX
(Volume 17, Number 6)**

1991	
<i>Pages</i>	<i>Issue</i>
3— 128	January
131— 235	February
241— 319	March
325— 443	April
449— 536	May
539— 630	June

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of,

- Horticulture Commission
- Examination, 233P, 233P
- Quarantine, 439P
- Structural Pest Control Commission
- Fumigation, 251R
- Technician, 251R

Agriculture Finance Authority

- Securitized Program, 164R, 249R

Animal Health Service, Office of

- Pet Turtles, 78N, 350R

Forestry, Office of

- Indian Creek Recreation Area, 476R
- Stumpage values, 3ER, 476R

Horticulture Commission

- Examination, 529P

Livestock Sanitary Board

- Auction market, livestock 30R, 30R
- Definitions, 29R
- Livestock admittance, 29R, 79N, 354R
- Livestock dealers, 30R, 489N
- Livestock sale/purchase, 31R, 31R
- Poultry, 490N

Market Commission

- Strawberry tax, 249R

CIVIL SERVICE

Civil Service Commission

- Continuous service, 390N
- Investigations, 612N
- Military classified/unclassified positions, 540ER
- Military leave, 279N
- Referee decision, 278N

CULTURE, RECREATION AND TOURISM DEPARTMENT

Office of State Museum

- Accession, deaccessions, loan policy, 490N

ECONOMIC DEVELOPMENT

Architectural Examiners, Board of

- Continuing Education, 208N, 573R
- Statute interpretation, 210N, 575R
- Titles, firm names, 210N, 575R

**Certified Shorthand Reporters,
Board of Examiners of**

- Certification, 31R
- Continuing education, 31R, 279N, 578R
- Fees, 31R, 578R

Commerce and Industry, Office of

- Enterprise Zone, 252R
- Environmental tax exemption, 3ER, 213N, 455ER, 528CR, 629CR
- Finance Division
 - Louisiana labor, 280N
 - Public hearing, 317P
 - Rule One, 280N

Economic Development Corporation

- Community Economic Development Loan Assistance Program, 328ER, 454ER, 493N

Financial Institutions, Office of

- Consumer Credit Law, 216N, 216N
- Credit Unions, 34R, 476R
- Licensed lender, 283N, 578R
- Records retention, 283N, 588R

Racing Commission

- Alcohol abuse, 5ER, 172R
- Apprentice jockey, 257R
- Apprentice's contract, 217N, 588R
- Associations duties, 457ER
- Audio transmission, 5ER, 171R
- Cellular telephone, 257R, 494N
- Equine urine sample, 390N
- Failure to comply, 258R
- Fax transmission, 5ER, 170R
- Filming/taping races; preservation, 258R
- Horse disqualification, 5ER, 169R
- Horse registration, 5ER, 258R
- Interstate common pool wagering, 259R
- License renewal, 260R
- Matters not covered, 260R
- Maximum overweight, 260R
- NSF checks, 261R
- Paddock inspection, 261R
- Pari-Mutuel Machines, 5ER, 169R
- Pari-Mutuel Tickets, 5ER, 170R, 261R
- Perjury, 391N
- Program statistics, 262R
- Publication of past performances, 262R
- Race schedule, 5ER, 170R
- Resale; Movement, 457ER, 494N
- Rider, 5ER, 170R
- Stable telephone, 495N
- Subpoena, 5ER, 172R
- Substance abuse, 5ER, 172R, 391N
- Super six, 329ER, 495N
- Testing split/referee sample, 458ER, 496N
- Totalizator; camera, 262R
- Tote companies, 5ER, 173R
- Video transmission, 5ER, 171R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Real Estate Appraisal Subcommittee
Experience Credit, 244ER, 392N
Residential Certification, 79N, 393N

Real Estate Commission
Branch offices, 393N
Escrow, trust account, 394N
Out-of-State broker, 396N
Continuing education, 396N
Transfers, terminations, 397N

EDUCATION

Elementary and Secondary Education, Board of
Administrative Leadership Academy, 541ER, 615N
Administrators' Handbook, 540ER
8(g) Annual Program/budget, 284N, 589R
ACT scores, 174R
Carl Perkins Vocational Education, 501N
Certified personnel, 458ER, 614N
Computer literacy, 497N
Culinary Arts/Occupations, 614N
Diploma, nonpublic high school, 8ER, 80N, 354R
Education majors scholarship, 616N
Exceptional Children's Act, 540ER, 541ER
Foreign language, 398N
High school diplomas, 174R
Holiday
 Presidential Election Day, 398N
LTIP/LTEP, 132ER, 244ER, 247ER, 286N, 330ER,
 399N, 460ER, 500N, 589R
Migrant Education State Plan, 501N
Model Career Options Program, 541ER
Noncertified personnel, 35R
Nutrition education/training, 340ER, 502N
Post-baccalaureate scholarship, 616N
Post secondary curriculum, 175R
Post secondary requirements, 557ER
Practical nursing certification, 330ER, 500N
Pupil appraisal handbook, 285N, 540ER
School psychologist, 285N, 589R
Substance abuse, 131ER, 174R
Teacher eligibility, 498N
Teacher evaluation, 9ER, 81N
Teacher tuition, 461ER, 559ER, 617N
Temporary teaching assignments, 10ER
Test security, 498N
Vo-tech
 Consolidation, 461ER, 615N
 Fees, courses, visits, 287N, 589R
 Force Plan Reduction, 557ER
 Salary schedule, 8ER, 81N, 286N, 355R, 559ER,
 589R
 Tuition fee, 35R

Student Financial Assistance, Office of
Adverse discretionary decision appeal, 400N
Agency name, 175R
Attendance, 617N
Bankruptcy of school, 401N
Delinquencies, 175R
Fee schedule, 175R
Guarantee fee refund, 402N
Guarantee fee schedule, 502N
Interest rate, 176R, 176R

Last resort loan, 288N, 590R
Lender name change, 503N
Occupational licensing, 291N, 594R
Out-of-state eligibility, 288N, 590R
PLUS/SLS, 176R, 176R
Scholarship eligibility, 289N, 591R
Scholarship/grant, 289N, 593R
Scholarship/merit ranking, 290N, 594R
School participation limitations, 619N
Tax forms for participation, 399N

Proprietary School Commission
Student complaint procedure, 355R

ELECTION AND REGISTRATION

Commissioner of Elections
Voting machines, 218N, 595R

EMPLOYMENT AND TRAINING

Barber Examiners, Board of
Barber student, 503N
Repeal, repromulgate rules, 356R
Employment Security, Office of
Repeal, repromulgate rules, 38R
Labor, Office of
Apprenticeship, 356R
Community Services Block Grant, 10ER, 357R
JTPA, 357R
Minor Labor Law, 357R
Private employment service, 82N, 357R

Plumbing Board
Repeal, repromulgate rules, 49R

Review, Board of
Repeal, repromulgate rules, 35R

Worker's Compensation, Office of
Administrative procedures, 357R
Drug testing, 504N
Fiscal Responsibility Unit, 114CR
Fraud, 359R
Hearing officer, 262R
Safety requirements, 176R
Utilization review, 263R, 402N

Worker's Compensation Second Injury Board
Repeal, repromulgate rules, 179R

ENVIRONMENTAL QUALITY

Air Quality and Radiation Protection, Office of
Air oxidation emissions (AQ27), 407N
Capture efficiency (AQ53), 404N
Construction variances, 441P
Continuous emission monitors
 (AQ30), 223N, 477R
 (AQ18), 405N
Distillation operations (AQ28), 407N
Emission monitoring (AQ19), 409N
Flame ionization analyzer (AQ34), 408N

CR—Committee Report
ER—Emergency Rule
L—Legislation
P—Potpourri
PPM—Policy and Procedure Memorandum

EO—Executive Order
FA—Fee Action
N—Notice of Intent
PFA—Proposed Fee Action
R—Rule

General control device, 181R
General Provisions, 466ER, 505N
Liquid storage tank (AQ20), 263R
Organic compound emission
(AQ36), 82N, 360R, 477R
(AQ51), 406N
(AQ51E), 461ER
Permit (AQ37), 223N, 478R
Steam generating units (AQ17), 224N, 478R
Toxic air fees (AQ50), 403N
Toxic air pollutant (AQ12), 122P, 233P, 441P, 529P
Visible emissions (AQ29), 263R

Legal Affairs and Enforcement, Office of

Department procedures, 620N
New office location, 441P
Permit, 225N
Regulatory agenda, 441P

Solid and Hazardous Waste, Office of

Chlorofluorocarbons (HW28), 621N
Manifest Requirements (HW25), 84N, 362R
Non-HSWA Cluster II (HW26), 410N
Non-HSWA Cluster VI (HW27), 226N, 478R
Revisions, SW02, 292N, 529P
Revisions, SW03, 293N, 529P
Toxicity Characteristic Leaching Procedure
(TCLP) (HW20), 85N, 368R
Underground storage tanks (UT02), 411N

Water Resources, Office of

Ground Water (GW01), 234P, 505N
Oil/gas exploration, production (WP05), 263R
Surface Water (WP07), 86N, 149ER, 264R, 293N

EXECUTIVE ORDERS

- BR 91-1—Authorizes lease purchase agreement with Office
Facilities Corporation, 131
BR 91-2—Creates Amite River Basin Interagency Commit-
tee, 452
BR 91-3—Promotes cooperative environmental quality goals
between Department of Environmental Quality,
LSU, and agricultural community, 452
BR 91-4—Designates task force and guidelines for Child
Care Development Block Grant, 453
BR 91-5—Authorizes the Comprehensive Housing Affordabil-
ity Strategies (CHAS) to achieve a national goal of
the Affordable Housing Act, 539

GOVERNOR'S OFFICE

Division of Administration

Commissioner's Office
PPM No. 71-IRS state compliance 115PPM
Community Development Section
LCDBG, 183R, 412N
Contractual Review, Office of
Professional, personal, consulting, social
services, 264R
Engineers Selection Board
Selection procedure, 415N
Property Assistance Agency
Penalties, 266R
Property Control, 266R

Risk Management, Office of
Patient's Compensation Fund
Oversight Board, 57R

Elderly Affairs, Office of

Area Agency
Advisory council, 296N, 599R
Governing body, 296N, 600R
Ombudsman, 297N, 600R
Responsibilities, 297N
Council on Aging
Organization, 299N, 602R
GOEA Manual, 57R

**Law Enforcement and Administration of
Criminal Justice**

Inmate housing, 412N

State Land Office

Land mapping/map records, 622N
State owned waterbottoms, 506N
State Purchasing
Vendor subscription fees, 343ER, 415N
Telecommunications Management, Office of
Repeal, repromulgate rules, 267R

Wetland Conservation and Restoration Authority

Plan (FY 91-92), 122P

Women's Services, Office of

Marriage license fees, 227N, 479R

HEALTH AND HOSPITALS

Board Certified Social Work Examiners, Board of

Fees, 370R
License, 416N

Embalmers and Funeral Directors, Board of

Examination, 122P, 270R, 317P, 629P

Electrolysis Examiners, Board of

Inspections, 417N
Sterilizations, 417N

Hospitals, Office of

Automated cardiac defibrillation, 24ER, 89N
Lecturer compensation, 247ER

Human Services, Office of

Alcohol/drug abuse services, 418N
Drug treatment fund, 419N
Substance abuse; group homes, 299N, 603R

Medical Examiners, Board of

Complaint procedure, 480R
Hearing, 318P
Midwives, 87N, 234P
Occupational therapy, 508N, 509N
Physician permit, examination, fees, 88N, 603R
Respiratory therapist, 479R
Radiologic technologists, 122P

Nursing, Board of

Continuing education, 58R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Nursing Home Administrators, Board of Examiners of

Administrator license, 622N
Notification change, 199R

Pharmacy, Board of

Pharmacies, prescriptions, drug administration, 510N

Physical Therapy Examiners, Board of

Licensing, 417N
Education, 417N
Fees, 417N

Professional Counselors, Board of Examiners of

Mental health counseling, 507N

Public Health, Office of

Family planning, 623N
Fecal Pollution, 123P
Head injury, 199R
Neonatal screening, 92N, 378R
Safe Drinking Water Program, 421N, 512N
Sanitary Code
Biomedical waste, 420N, 420N
Seafood, 199R
Sewage/refuse, 123P, 201R
Surface water treatment, 271R
Vital Records
Birth certificate, 89N, 375R

Secretary, Office of

AFDC
Dependent children, 515N
Medically needy, 271R, 567ER
AIDS, 154ER, 568ER
Anesthesia services, 25ER, 569ER
COBRA (1985), 155ER, 513N
Dispensing fee, 271R, 563ER
Disproportionate share payments, 565ER
Drug screening (urine), 422N
Drug screening labs, 530P
F and V Children, 516N, 565ER
Facility Need Review, 61R, 301N, 466ER, 604R
Federally-qualified health center, 343ER
Foster children, 158ER
Inpatient psychiatric recipient, 344ER
Low-income patients, 158ER
Medicaid eligibility, 159ER
Medicaid providers, 201R
Medicaid reimbursement, 529P, 571ER
Nurse aide training/evaluation, 467ER, 517N
Nursing facilities, 159ER, 201R
OBRA (1990), 27ER, 566ER
Pharmacy program, 27ER
Pregnancy/prenatal risk assessment, 344ER
Provider billing, 271R
Rural care providers, 156ER, 160ER, 161ER, 517N, 561ER, 570ER
SN/TDC per diem, 378R
SSI disability, 272R, 567ER
Skilled nursing facility/services, 28ER, 161ER, 519N, 567ER
Skilled Nursing/Technology Dependent Care, 473ER, 520N
Stepparent's eligibility, 346ER
Third party liability, 564ER

Speech Pathology and Audiology, Board of Examiners for

Code of Ethics, 370R
Procedural Rules, 372R

Substance Abuse Counselors, Board of Certification of

Continuing Education, 149ER

INSURANCE

Commissioner of Insurance

Chiropractic, 202R
Continuing education, 522N
Directors/Officers liability insurance, 93N, 378R
Group health insurance, 67R
Medicare Supplemental Insurance, 67R, 67R, 67R

LOUISIANA ADMINISTRATIVE CODE UPDATE

Administrative Code Update

January, 1990 - December, 1990, 112
January, 1991 - March, 1991, 437

NATURAL RESOURCES

Conservation, Office of

Hazardous liquids pipeline, 379R
Public hearing, 234P
Statewide Order 29-B, 382R

Secretary, Office of

Fees, 302N, 605R
Fishermen's Gear
Claims, 123P, 234P, 318P, 441P, 530P, 629P
Equipment labeling, 272R

PUBLIC SAFETY AND CORRECTIONS

Alcoholic Beverage Control, Office of

Fairs, festivals, 162ER, 303N, 606R
Malt beverage industry, 304N, 607R
Stocking/pricing/rotating, 306N, 609R

Corrections Services

Administrative remedy, 68R
Adult prisoners, 228N, 605R
Death penalty, 202R
Escape (juvenile), 424N
Good time forfeiture, 422N
Medical parole, 228N, 481R, 605R
Work release, 203R

Fire Marshal, Office of

Electrical power connection, 272R
Extinguisher/alarm systems, 273R

State Police, Office of

Bingo, Keno, raffle, 94N, 383R
Commercial lessor, 229N
DWI, 307N
Electronic video bingo, 97N, 482R
Right-to-Know, 307N, 425N, 609R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

REVENUE AND TAXATION

Tax Commission

Natural gas severance tax, 442P
Real property, 231N, 610R
Stumpage values, 3ER, 476R

RIVER PORT PILOT COMMISSIONERS

River Port Pilot Commissioners, Board of
Deadweight tonnage, 624N

SOCIAL SERVICES

Community Services, Office of

Adoption Assistance Program, 97N, 386R
Adoption Subsidy Program, 231N, 482R
Adult Protective Services, 232N, 482R
Child Custody Permanency Plan, 98N, 387R
Child protective services, 99N, 387R
Children's Trust Fund, 426N
Emergency Shelter Grant, 318P
Social Services Block Grant, 442P
Weatherization Assistance Program, 123P

Family Support, Office of

AFDC, 346ER, 427N, 571ER
Benefits computer matching, 522N
Child Support Enforcement Services
Tax offset fee, 100N, 388R
Individual/Family Grant, 474ER, 624N
JOBS, 100N, 101N, 248ER, 309N, 388R, 388R, 611R,
625N, 626N

Repeal of previous agency rules, 523N

Rehabilitation Services

Commission for the Deaf
Rules of Operation, 102N, 388R
Independent living, 273R
Personal care attendant, 310N, 611R
Policy Manual, 626N
Sign language interpreter, 102N, 389R
Three-year state plan, 627N

Secretary, Office of

Child Care and Development
Block Grant, 630P, 630P

STATE

Uniform Commercial Code, Office of

Central Registry; Farm Products, 103N, 482R
Secured transactions, 72R
Transmitting utility debtors, 108N, 163ER, 487R

TRANSPORTATION AND DEVELOPMENT

**Flood Control and Water Management
Division**

Port Construction/Development Priority, 274R

**Professional Engineers and Land Surveyors,
Board of Registration**

Definitions, 524N
Engineering Branches, 273R
Examinations, 524N
Seal use, 273R

Sabine River Compact Administration

Meeting, 530P

Secretary, Office of

American flag display, 428N
Roadside vegetation, 204R

TREASURY

Bond Commission

Fees, 163ER, 313N
Lines of credit, 572ER

Deferred Compensation Commission

Authorization, 573ER, 627N

**State Employees Group Benefits Program,
Board of Trustees of the**

Grandchildren eligibility, 310N
Groups participation, 571ER
Military reservists, 78R
Pre-existing conditions, 248ER, 311N
Well-baby care, 311N
Well-child care, 312N

**State Employees' Retirement System, Board
of Trustees of the**

Deferred Retirement Option Plan (DROP), 109N
Payroll deduction, 110N
Retiree defined, 474ER, 525N
School boards, 474ER, 526N
Trustees, 109N, 314N

WILDLIFE AND FISHERIES

Secretary, Office of

Scenic and River System, 315N

Wildlife and Fisheries Commission

Aquaculture, 429N, 431N
Alligators, 347ER, 526N
Black Bass, 273R, 277R, 488R
Bowfin, 628N
Deer Management Program, 78R, 204R
Cobia, 207R
Fingerling aquaculture, 527N
Fox/coyote, 205R
Free fishing days, 389R, 389R
Freshwater gamefish, 112N, 438CR
Freshwater Trout, 78R
Hunting seasons, 28ER
New Orleans area, 208R
King Mackerel, 28ER, 164ER, 207R, 347ER
Netting prohibition, 436N, 437N
Oyster season, 164ER, 348ER, 433N
Resident game birds/quadrupeds, 316N
Sherburne Wildlife Management, 29ER
Shrimp season
Chandeleur Sound, 348ER
Inshore, 475ER, 573ER
Raccoon Point, 249ER, 475ER
Spanish Mackerel, 207R
Toledo Bend, 233CR, 273R, 317CR

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

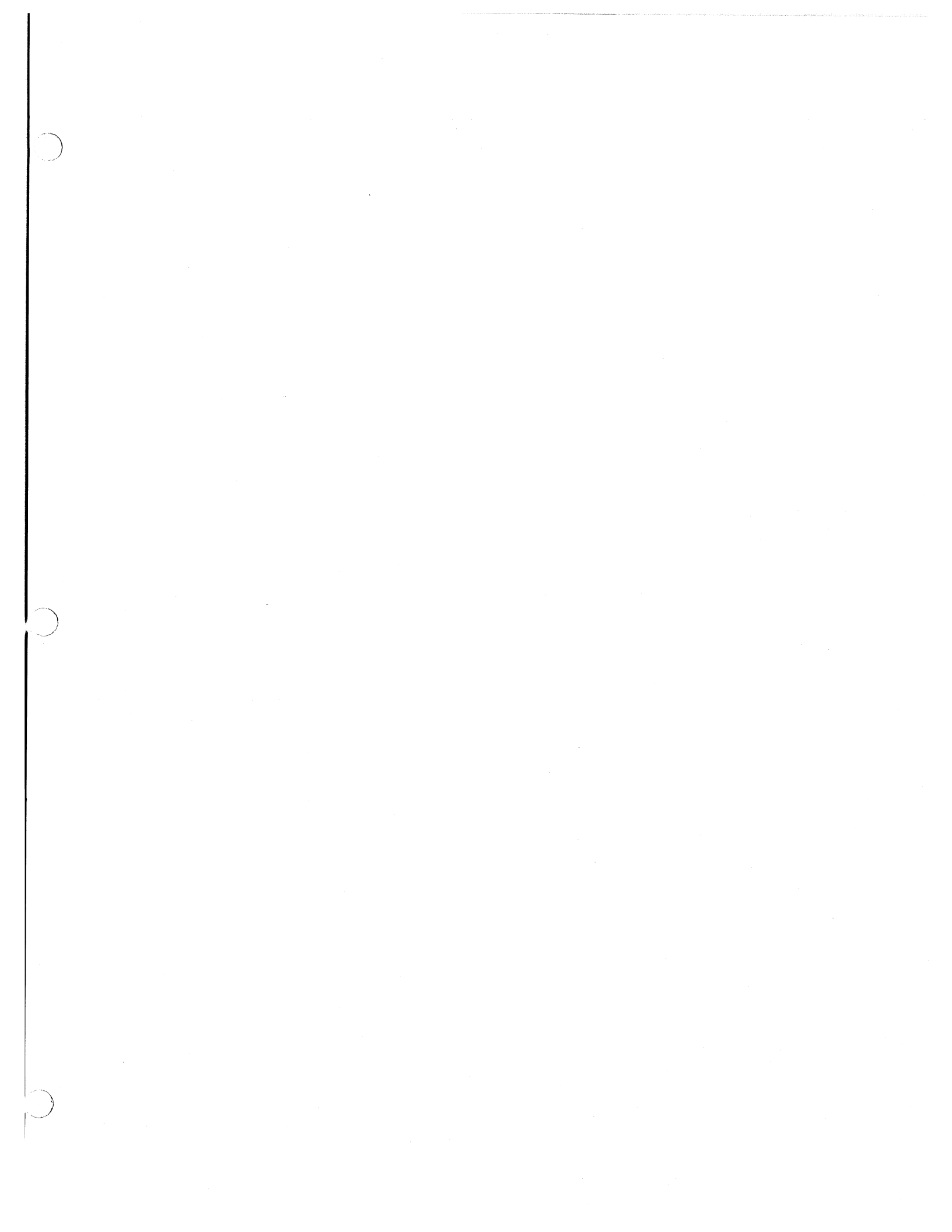
PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY

PHYSICAL CHEMISTRY
PHYSICAL CHEMISTRY





BRIDGE PLANT 0000
P O BOX 9000
OFFICE OF CIVIL INSPECTION GENERAL
STATE OF LOUISIANA

STATE OF LOUISIANA
OFFICE OF STATE INSPECTOR GENERAL
P O BOX 94095
BATON ROUGE LA 70804-0095