

CONTENTS

I. EXECUTIVE ORDERS

DCT-80-21 — Responsibility for State Buildings and Grounds	1 ✓
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II. EMERGENCY RULES

Health and Human Resources Department:	
Office of Family Security — Discontinue eight percent incentive factor	1 ✓
Increases in AFDC and GA programs	1 ✓

III. RULES

Agriculture Department:	
Horticulture Commission — Examination fees for Landscape Architects	1
Livestock Sanitary Board — Rules governing animal vaccines	2
Civil Service Department:	
Board of Ethics for Elected Officials — Adoption of Administrative Rules	2
Corrections Department:	
Disciplinary Rules and Procedures for Adult Prisoners	6
Education Department:	
Board of Elementary and Secondary Education — Speech therapist evaluation; Certification of School Personnel; Standards for School Buses	6
Governor's Office:	
Division of Administration — Capital Outlay Budget Request Procedures	6 ✓
PPM Number 49 (Revised) — General Travel Regulations	7 ✓
Health and Human Resources Department:	
Office of Family Security — Low income energy assistance	7 ✓
Maximum costs for drugs	7 ✓
Medically Needy program eligibility requirements	7 ✓
Vendor payment for emergency services	7 ✓
Labor Department:	
Office of Labor — State apprenticeship standards	8
Natural Resources Department:	
Office of Environmental Affairs — Air quality regulation revisions	10
Rules governing permit fee system	11
Solid Waste Management Program	12
Public Safety Department:	
Office of the State Fire Marshal — Mattress standards for prisons	12
Treasury Department:	
State Bond Commission — Application time period amended	12

IV. NOTICES OF INTENT

Agriculture Department:	
Dairy Stabilization Board — Advertisements of low-fat milk; Competition in the dairy case; Non-discrimination in prices	12
Commerce Department:	
Board of Certified Public Accountants — Fees and services charges for CPA examination	13
Education Department:	
Board of Elementary and Secondary Education — Standards for Certification of Paraprofessionals	14
Board of Trustees for State Colleges and Universities — Athletic eligibility for transfer students	14
Governor's Office:	
Division of Administration — PPM Number 63 (Revised)	15 ✓
Small and Minority Business Set-Aside Program	15 ✓

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Health and Human Resources Department:	
Board of Certified Social Work Examiners — Meeting on Rules and Regulations	24 ✓
Board of Nursing — Implementation of Nurse Practice Act	25 ✓
Rules for Advanced Practitioners of Nursing	32 ✓
Labor Department:	
Office of Labor — Employment Standards for Minors	33
Natural Resources Department:	
Environmental Control Commission — Air Quality Regulation Revision	34
Supervisory Committee on Election Campaign Finance — Adoption of Reporting forms	34
Treasury Department:	
State Bond Commission — Time change of SBC meetings	35
Urban and Community Affairs Department:	
Office of Consumer Protection — Amendments to Rules	35

V. POTPOURRI

Health and Human Resources Department:	
Board of Veterinary Medicine — License examination	36 ✓
Office of Family Security — Reimbursement for non-emergency transportation	36 ✓
Natural Resources Department:	
Fishermen’s Gear Compensation Fund claims	36
Office of Environmental Affairs — Louisiana Water Quality Management Plan	38
Treasury Department:	
State Employees’ Retirement System — Regular monthly meetings	38

VI. ERRATA

Health and Human Resources Department:	
Board of Nursing — Numbering changes in Legal Standards of Nursing Practice	38 ✓

Executive Order

EXECUTIVE ORDER DCT 80-21

WHEREAS, the Division of State Buildings and Grounds is responsible for the maintenance and repair of all State buildings on State grounds; and

WHEREAS, the Division of State Buildings and Grounds is responsible for entering into contracts for repairs and purchases for all State buildings on State grounds on a statewide basis; and

WHEREAS, the Division of Administration is the fiscal arm of the Governor and is charged with the budgetary oversight of many of the agencies in those State buildings; and

WHEREAS, the opportunity exists to effect a sizeable savings for the State of Louisiana through the review and approval processes of the Division of Administration; and

WHEREAS, usage of State buildings and grounds is key to the planning by the Division of Administration,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, do hereby direct the Commissioner of Administration to assume responsibility for and authority over the Superintendent of the Division of State Buildings and Grounds.

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 the 18th day of December, A.D., 1980.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, will discontinue effective February 1, 1981 the allowance, implemented June, 1979, of an eight percent incentive factor based on gross cost for those Private for-profit Intermediate Care Facilities for the Mentally Retarded with an occupancy rate above eighty-five percent.

The above described action is necessary as the Department of Health and Human Resources has been unable to secure the Department of Health and Human Services' approval of the plan material submitted to implement this policy.

George A. Fischer, Secretary
Department of Health
and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective January 1, 1981, the following increases in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards. This action is mandated by Act 540 of the 1976 Louisiana Legislature which requires an annual adjustment of the need standard to reflect the increase in the cost of living. This action will allow needy families and individuals to receive the public assistance to which they are entitled.

Using a 14.4 percent increase standard, the proposed new AFDC and GA Need Standards are outlined below while current needs standards are shown in parentheses.

AFDC Need Standards

Size of Household	Non-Urban	Urban
1	\$159(139)	\$173(151)
2	296(259)	331(289)
3	419(366)	460(402)
4	522(456)	565(494)
5	621(543)	667(583)
6	712(622)	760(664)
7	805(704)	849(742)
8	895(782)	939(821)
9	979(856)	1025(896)
10	1067(933)	1112(972)
11	1160(1014)	1206(1054)
12	1256(1098)	1302(1138)
13	1358(1187)	1395(1219)
14	1456(1273)	1494(1306)
15	1557(1361)	1595(1394)
16	1657(1448)	1702(1488)
17	1757(1536)	1785(1560)
18	1857(1623)	1898(1659)
	For each additional person, add \$108.00	For each additional person, add \$118.00

GA Need Standard

Size of Household	GA Need Standard
1	\$262(229)
2	\$331(289)

George A. Fischer, Secretary
Department of Health
and Human Resources

Rules

RULE

Department of Agriculture Horticulture Commission

The Louisiana Horticulture Commission, State Department of Agriculture, pursuant to the authority given in LSA 37:1964 B, and in accordance with Notice of Intent published on

October 20, 1980, has adopted the following Rule relative to examination fees for licensure in Landscape Architecture:

1. All applicants for examination for licensure as a landscape architect shall apply for such examination no later than March 15 of each year.

2. All applicants for examination for licensure as a Landscape architect shall pay an examination fee of \$150.00 at the time application for such examination is made.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

Notice is hereby given that on January 9, 1981, the Louisiana Livestock Sanitary Board, in accordance with the authority given under LSA 3:2096 and pursuant to notice published on December 20, 1980, adopted the following Rule as an addition to Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board, being a new Sub-part 6:

No person, firm, association, or corporation shall manufacture, distribute, or sell any animal vaccine other than those covered above within the State of Louisiana unless such person, firm, association, or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, distribute, or sell such animal vaccine, provided that this Rule shall not apply to any person, firm, association, or corporation which is the holder of a special permit from the State Veterinarian at the effective date of this regulation.

Bob Odom
Commissioner of Agriculture

RULE

Department of State Civil Service Board of Ethics for Elected Officials Chapter 1 Definitions

Unless the context clearly indicates otherwise, the following words, terms and phrases when used in these Rules shall have the following meanings:

1.1 "Agency", "Agency head", "Assist", "Board", "Compensation", "Elected Official", "Participate", "Person", "Service", and "Thing of Economic Value" shall have the identical meanings attributed to them in Section 1102 of the Code of Governmental Ethics.

1.2 "Executive Secretary" shall mean the chief administrative and executive officer appointed by the Board pursuant to the provisions of Section 1134(2) of the Code.

1.3 "Preliminary investigation" means a staff investigation conducted pursuant to directions by the Board to the Executive Secretary.

1.4 "Private hearing" means the taking of evidence by the Board during a proceeding which is not open to the public.

1.5 "Public hearing" means the taking of evidence by the Board during a proceeding that is open to the public.

1.6 "Respondent" means an elected official or person who is the subject of a complaint.

Chapter 2

Organization, Rules, Procedures, and Powers of the Board

2.1 Election of the Chairman.

(a) The members of the Board shall meet and organize by electing one of its members Chairman. In case of a vacancy in the office of Chairman, the Board shall elect a new Chairman.

(b) The Chairman shall be elected at the first meeting held following July 1 of each odd numbered year commencing with July 1, 1980 for a two-year term.

2.2 Powers of the Board.

The Board is empowered:

(a) To represent the public interest in the administration of the provisions of the Code.

(b) To administer and enforce the provisions of the Code and the Rules, regulations and orders consistent with and adopted or issued thereunder.

(c) After public hearing, to adopt, promulgate and issue Rules and regulations carrying out and consistent with the policies and purposes of the Code, and amendments to such Rules and regulations.

(d) To consider complaints concerning violations of the provisions of the Code involving officials and other persons who are within the jurisdiction of the Code, and to either (1) dismiss the complaint; (2) pretermite the complaint; or (3) make charges based upon such complaints and its investigations.

(e) To order preliminary investigations upon receipt of complaints.

(f) To order and conduct hearings of complaints of violations of the provisions of the Code.

(g) To issue orders and take authorized action, at or following a public hearing, against any elected official or other person adjudged to have violated one or more of the provisions of the Code.

(h) For the purposes of an investigation or of a hearing, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other evidence, which the Board deems relevant or material to the investigation or hearing.

Such attendance of witnesses and the production of any such evidence may be required at any place designated by the Board.

(i) To make official determinations of its findings as to the validity of complaints and charges; and where substantial evidence to support complaints or charges is not adduced, to close its files.

(j) To render advisory opinions to officials and affected persons, or to decline to do so, with respect to the provisions of the Code and Rules and regulations issued by the Board.

(k) To provide reports, information and recommendations to the Governor and the Legislature concerning the administration of the Code and conflict of interest matters generally.

(l) To receive reports from agencies and collect information with respect to, and conduct studies of, personal conflicts of interest of officials within its jurisdiction.

(m) To appoint an Executive Secretary.

(n) To prescribe rules of order, evidence and procedure to govern its meetings, hearings and investigations.

(o) To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with the resolution of matters coming before it for consideration.

(p) To issue informational releases to the news media with respect to all activities of the Board other than executive meetings, private investigations and private hearings.

(q) To perform such other acts as may from time to time be required of it by the Constitution or by Statute.

(r) To consider and take appropriate action on sworn statements filed in accordance with Section 111 E(2) of the Code.

(s) Any Board member may require the inclusion on the agenda for Board consideration of any matter of interest to him.

2.3 Meetings.

(a) The Board shall meet at such time and place as may be fixed by the Board, its Chairman, or its Executive Secretary.

(b) Notice of each meeting shall be given to all members of the Board, and to the general public.

(c) All meetings shall be open to the public except investigations and Board meetings in relation thereto and meetings authorized by other provisions of law to be closed to the public.

2.4 Quorum and Voting.

(a) Three members of the Board shall constitute a quorum for the transaction of business.

(b) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Board, except as otherwise provided in Section 1141 D(5).

(c) In the event of a tie vote the Board may, in its discretion:

1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or

2. Continue the matter for consideration at a later meeting.

(d) Temporary absence during the consideration of an item of business shall not disqualify a member from voting on said item.

2.5 Executive Secretary to the Board.

The Board shall appoint an Executive Secretary.

2.6 Minutes of Proceedings.

The Minutes of the proceedings of the Board shall be prepared and maintained by the Executive Secretary on behalf of and subject to the approval of the Board.

2.7 Rules of Order.

The Board shall not be bound by rules, evidence, or procedure in its meetings, or investigations, except such as it may itself establish and except as otherwise provided in Section 1141 D(2).

2.8 Recusation.

Any member of the Board having a personal interest in an investigation or hearing by the Board shall recuse himself from participation in such investigation or hearing. If a member becomes the subject of an investigation or hearing, he shall recuse himself from participation in such investigation or hearing.

2.9 Adoption of Rules.

(a) Rules shall be adopted in accordance with the procedures contained in the Administrative Procedure Act.

(b) No appeal shall lie from the adoption by the Board, after public hearing, of any Rule or amendment thereto.

2.10 Amendments to the Rules.

Amendments to the Rules shall be approved by the Board only after a public hearing. Such amendments shall become effective upon adoption by the Board, unless otherwise specifically provided.

2.11 Public Inspection.

The Board shall make available for public inspection:

(a) All Rules and all other written statements of policy or interpretation formulated, adopted, or used by it in the discharge of its functions.

(b) Subject to the provisions of other Sections of these Rules, all final orders, decisions, and opinions issued by it in the discharge of its functions.

Chapter 3

Duties of the Executive Secretary

3.1 Duties of the Executive Secretary.

It shall be the duty of the Executive Secretary:

(a) To act as the Board's secretary; to attend all of its meetings; and to keep minutes of its proceedings.

(b) To prepare and submit to the Board prior to each meeting an agenda containing reference to all pending matters and additional matters of interest to the Board.

(c) To prepare such reports as the Board may request regarding its work.

(d) To prepare and submit, upon request by the Board, a budget covering the estimated costs of administering the Board's program.

(e) To issue subpoenas and subpoenas duces tecum.

(f) To act between meetings of the Board on routine matters not requiring Board approval.

(g) To act as the chief administrative officer for the Board and to supervise the staff of employees engaged in the service of the Board.

(h) To conduct and supervise investigations on behalf of and at the request of the Board.

(i) To provide normal staff services in support of the Board's activities.

(j) To notify in writing the appropriate appointing authority of the pending expiration of the term of each Board member.

3.2 Oaths and Affirmations.

The Executive Secretary shall have power to administer oaths in matters related to the business of the Board.

Chapter 4

Designated Duties of the General Counsel

4.1 The Board shall from time to time and as necessary request that the Attorney General designate an Assistant Attorney General to serve as General Counsel for the Board.

4.2 It shall be the duty of the General Counsel:

(a) To serve as chief legal counsel to the Board.

(b) To coordinate all legal needs and activities of the Board.

(c) To make recommendations regarding and in due course to supervise the activities of special counsel engaged from time to time by the Board.

(d) To represent the Board in all administrative and judicial proceedings.

(e) To participate as necessary in investigations, private hearings and public hearings.

Chapter 5

Complaints

5.1 Any qualified elector of Louisiana may file a written complaint with the Board. The complaint shall be signed under oath by the person filing it. Such person must be willing to appear before the Board in public hearings to testify in support of his complaint.

5.2 The term "any qualified elector of Louisiana" shall include any member of the Board who is so qualified.

5.3 The Executive Secretary shall cause the date of receipt to be noted on each complaint. The complaint shall be deemed filed upon the Board's initial consideration of same at a convened meeting. A docket shall be maintained upon which each complaint shall be given an appropriate title and docketed in the order filed.

5.4 The Executive Secretary shall promptly mail a copy of each

complaint to the party against whom it is filed within five days after it is filed with the Board. Such mailing to the party against whom the complaint is filed shall be by certified mail.

Chapter 6 Hearings

6.1 The procedure governing private hearings shall be identical to the extent practicable to the procedure set forth below governing public hearings, and except that private hearings shall be closed to the public.

6.2 Public Hearings shall be initiated by order of the Board.

6.3 Assigning Public Hearings.

(a) The Board shall fix the time and place for the conduct of public hearings.

(b) For cause considered justifiable, the Board, Chairman, or its Executive Secretary, may upset any fixing and give the hearing a special assignment both as to time and to place with appropriate notification to all interested parties.

6.4 Place of Public Hearing.

(a) Subject to the provisions of Subsections (b) and (c) hereof, and except as otherwise specifically provided in §1141 C of the Code, all public hearings before the Board shall be conducted in a convenient place, accessible to the public, in the City of Baton Rouge, Louisiana.

(b) The Board may direct that a public hearing be conducted at a place of public accessibility within the State, other than the City of Baton Rouge, Louisiana.

(c) If the Executive Secretary, subject to the approval of the Board, deems that the interests of the State or of any agency thereof, or the location of witnesses, or the ends of justice so require, he may order that the public hearing be held in any other convenient place of public accessibility within the State other than the City of Baton Rouge, Louisiana.

6.5 Notice of Public Hearings.

(a) The Executive Secretary shall cause notice of public hearings to be posted and mailed to requesting parties at least five days prior thereto, except as otherwise specifically provided in §1141 D of the Code and in the case of emergencies.

(b) Notice to the public shall be posted in the lobby of the Contractors Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana, and on the bulletin board in the lobby of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

6.6 Continuance of Public Hearing.

(a) A public hearing fixed and not reached shall be refixed by the Board.

(b) The Board, its Chairman, or its Executive Secretary may, for cause deemed sufficient, grant or order, with respect to any one or more respondents involved, a continuance of any public hearing; and, in its discretion, it may proceed as to those respondents to whom no continuance was granted.

(c) With the approval of the Board, a hearing may be continued by consent of all interested parties.

(d) No continuance shall be granted except for compelling cause.

(e) A public hearing fixed and not reached shall be refixed by preference over all public hearings continued for any other reason and any public hearing subsequently docketed.

6.7 Procedure in Public Hearings of Complaints.

(a) Except in the case of private hearings, all hearings conducted under the provisions of this Chapter shall be open to the public.

(b) Parties and witnesses shall be subject to cross-examination as in trials before the District Courts of the State, and

the Board, each member of the Board, or its designated agent or attorney may examine and cross-examine any witnesses.

(c) The Board may require that the parties stipulate all undisputed facts.

(d) The Board may limit corroborative evidence.

(e) When a pending case involves substantially the same question of law or fact as presented in a prior public hearing, the Board, at the request of any party or on its or his own motion, may admit as evidence any part of the record of such previous public hearing as it or he may deem relevant; provided, that in the application of this Rule no party shall be deprived of the right to cross-examine any adverse witness.

(f) Evidence shall not be received to enlarge any charges lodged against any respondent.

(g) Twenty minutes shall be allowed each side for oral argument, provided however the time may be extended for good cause shown.

(h) Except with special leave of the Board, only one attorney shall be permitted to present oral argument for any party.

(i) The Board may in any case on its own motion invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of such written argument shall be made by mail by the Executive Secretary within two working days of the receipt thereof by him.

(j) The charges filed against a respondent shall create no inference that the respondent is guilty of violation of the Code.

(k) The Board, on request of any party, or on its or his own motion, may order that the witnesses in any hearing be sequestered so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness.

(l) The Board may take notice of the provisions of the Code without the necessity of an offer in evidence.

(m) When, during the course of a hearing, a ruling by the Board is to be made, the presiding member may rule and his ruling shall constitute that of the Board; provided, that should an objection be made to such ruling, said ruling shall be determined by a majority vote of those members of the Board present.

6.8 Summary Disposition of Charges.

(a) At anytime after the assigning of charges for public hearing, any respondent may file with the Board a written request for summary disposition thereof on any of the following grounds:

1. That the Board lacks jurisdiction of the subject matter, or of the respondent.
2. That the charges have not been initiated in the manner prescribed by the Rules.
3. That the charges have become moot.
4. That the charges, if true, would not constitute a violation of the Code.
5. That the charges have prescribed.

(b) Any request for summary disposition, when made prior to the date fixed for the hearing, may be supported by sworn affidavits and shall be accompanied by written argument or brief.

(c) When a request for summary disposition has been filed with the Board in any proceeding, the attorney for the Board shall submit oral or written argument or brief in connection therewith.

(d) If the Board denies the request or refers it to the merits, it may reconsider same at any time prior to the conclusion of the public hearing.

(e) The Board may at any time, on its own motion, summarily dispose of charges on any of the grounds listed in Subsection (a) hereof.

(f) When the Board disposes summarily of a charge or

charges, its decision shall be final on the date it files its written decision with the Executive Secretary, disposing of the case. The Executive Secretary thereafter shall give the interested parties notice of the decision within two working days thereof.

6.9 Subpoena of Witnesses: Production of Documents.

(a) The Board, each member thereof, the Executive Secretary, and any specially designated agent of the Board, shall have power to order the appearance of witnesses and to compel the production of books and papers pertinent to the issues involved in any public hearing, provided such witnesses and such books and papers are within the State.

(b) Any respondent desiring the issuance of a subpoena for any witness at a public hearing must apply for it in writing at least five days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed.

(c) In lieu of the issuance and service of formal subpoenas to State employees, the Board or any person authorized by Subsection (a) of this Rule may request any agency to order any designated employee under its supervision to attend and testify at any public hearing; and upon being so ordered the employee shall appear and furnish testimony.

(d) Any respondent desiring the production of books, papers, photographs, or other items at any public hearing must apply for an appropriate order in writing at least five days before the date fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and the materiality of their production to the issues must be certified to by the respondent or his counsel.

(e) Authenticated copies of books, papers, photographs, or other items in the custody of any agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authenticated copies may be subsequently introduced.

(f) The Board or its Chairman, may, for cause deemed sufficient by it or him, issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued by it or him under the provisions of this Rule. The respondent may likewise obtain an order from the Board recalling any subpoena, subpoena duces tecum, or request issued or caused to be issued by him.

6.10. Consolidation of Public Hearing.

When public hearings of two or more respondents involve similar or related circumstances, the Board may order a joint hearing of all respondents or may order separate hearings for specified respondents.

6.11 Transcripts of Public Hearings.

The proceedings of all public hearings shall be recorded, but shall be transcribed only upon order of the Board or upon request made by a respondent therein, accompanied by proffer of such cost as may be determined by the Executive Secretary.

6.12 Witness Fees in Public Hearings.

(a) The travel expenses of an officer or employee of a State agency who is required to appear before the Board shall be paid by the agency which employs him.

(b) The Board may order that any person who is not an officer or employee of a State department and who is subpoenaed to testify at a public hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Nineteenth Judicial Court for the Parish of East Baton Rouge.

(c) If a witness is subpoenaed by a respondent, the Board may order the same cost of witness fees and mileage to be paid by such respondent.

(d) The Board or the Executive Secretary may, before issuing a subpoena, require the party requesting the subpoena to deposit with the Executive Secretary a sum sufficient to cover the mileage costs and witness fees pending a determination of costs by the Board.

6.13 Costs of Public Hearings

The Board may, in its discretion, order the costs of any public hearing, or any portion of such costs, including the costs of recording and transcribing testimony, to be paid by or charged to either the Board's funds or the respondent.

6.14 Interlocutory Rulings.

(a) Formal exceptions to the interlocutory rulings or orders of the Board, are unnecessary. At the time the ruling is made or the order is communicated, a party shall make known his objection thereto and the grounds therefor, and same shall be noted in the record.

(b) The Board, may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

6.15 Board Action Following Public Hearing.

(a) Following a public hearing, the Board shall either (1) dismiss the charges; (2) render its decision; or (3) take the matter under advisement. Thereafter, the Board shall either render written reasons for its dismissal or decision, or render a written decision in the event the hearing was taken under advisement.

(b) The decision of the Board shall be final on the tenth day following its filing with the Executive Secretary if there has been no timely application for rehearing in accordance with Rule 6.16 hereof.

(c) The Executive Secretary shall furnish all interested parties with a copy of the decision within two working days of its filing, by United States mail with sufficient postage affixed, properly addressed to each of them, or their attorneys of record, at the addresses shown by the record.

(d) Upon finding at a public hearing that any official or person has violated the provisions of the Code, the Board shall forward a copy of its findings to the District Attorney of the Parish in which the violation occurred, for appropriate action. Thereafter, notwithstanding any other provisions of the Code, such District Attorney shall have access to all Board records relative to the charges.

(e) The Board shall take action against any official or other person only at or following a public hearing.

6.16 Rehearings

(a) Any aggrieved party may apply to the Board for a rehearing in writing within ten days from the date a decision is filed with the Executive Secretary. The grounds for an application for a rehearing shall be either that:

1. The decision or order is clearly contrary to the law and the evidence;

2. The party has discovered, since the hearing, evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

3. There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

4. There is other good ground for further consideration of issues and the evidence in the public interest.

(b) The petition of an aggrieved party for a rehearing shall set forth the grounds which justify such action and shall be accompanied by a written brief or argument in support thereof.

(c) In the event the Board grants a rehearing, a time and place for the rehearing shall be fixed and the rehearing shall be confined to those grounds upon which the rehearing was ordered.

(d) If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

Chapter 7 Discovery

7.1 Discovery procedures for public hearings conducted by the Board shall be as follows:

Any elected official or other person who has been notified that he is to be the subject of a public hearing pursuant to the provisions of LSA-R.S. 42:1141 D, shall be entitled to the following if written request to the Executive Secretary is made at least fifteen days prior to the date of the scheduled hearing:

- (a) A certified copy of the transcript of the private hearing, in the event there was a private hearing;
- (b) The name and address of each individual that the staff of the Board has interviewed or intended to call at the proposed hearing, together with any written statements obtained by the staff from such persons.
- (c) A copy of each physical document that the Commission's staff intends to introduce before the Commission at the proposed hearing.
- (d) The right to take depositions on oral examination and pursuant to the provisions of applicable Code of Civil Procedure Articles, to the extent practicable, of those persons whose name and address has been furnished to the respondent pursuant to the provisions of Subparagraph (b) above and provided further that the taking of said depositions does not unreasonably impede the scheduled hearing.

Chapter 8 Records and Reports

8.1 Custodian.

The Executive Secretary shall be the custodian of all records, reports, and files of the Board.

8.2 Statements Filed Pursuant to the Provisions of Section 1111 E(2) (a) of the Code.

Statements filed with the Board pursuant to Section 1111 E(2) (a) of the Code shall:

- (a) Be made under oath;
- (b) Contain the name and address of the elected official;
- (c) Contain the name and address of the person employing or retaining the official to perform the services;
- (d) Describe the nature of the work and the amount of the compensation for services rendered or to be rendered;
- (e) Contain a brief description of the transaction in reference to which services are rendered or to be rendered.

8.3 Statements Filed Pursuant to the Provisions of Section 1114 C.

Statements filed pursuant to the provisions of Section 1114 C of the Code shall contain the information required by Section 1114 B(1) through (4), inclusive, of the Code and shall be maintained by the Executive Secretary in files containing appropriate indices.

8.4 Statements Filed Pursuant to the Provisions of Section 1114 C.

Statements filed pursuant to the provisions of Section 1114 C of the Code shall:

- (a) Be made under oath;
- (b) Contain:
 1. The amount of income or value of any thing of economic value derived;
 2. The nature of the business activity;
 3. The name and address, in relationship to the legislator, if applicable;
 4. The name and business address of the legal entity, if applicable.
- (c) The Executive Secretary shall maintain these state-

ments and files appropriately indexed.

8.5 Statements Filed Pursuant to the Provisions of Section 1120 of the Code.

Statements filed pursuant to the provisions of Section 1120 of the Code shall:

- (a) Be made under oath;
- (b) Contain the name and address of the elected official;
- (c) Contain a detailed description of the matter in question, including the description of the transaction to be voted upon as well as a description of the nature of the conflict, or potential conflict, and the reasons why despite the conflict the elected official is able to cast a vote that is fair, objective and in the public interest;
- (d) The Executive Secretary shall maintain these statements suitably indexed.

R. Gray Sexton
Executive Secretary

RULE

Department of Corrections

The Department of Corrections amended the Disciplinary Rules and Procedures for Adult Prisoners adopted May 1, 1979. These Rules will be effective February 1, 1981. Interested persons may examine the Rules at the Department of Corrections, Pentagon Building, Riverside North, Baton Rouge, Louisiana or at the Department of the State Register, 1500 Riverside North, Baton Rouge, Louisiana.

C. Paul Phelps, Secretary
Department of Corrections

RULE

State Board of Elementary and Secondary Education

Rule 7.02.01 - The Board adopted a policy allowing speech therapists to count evaluation services at the rate of one hour of evaluation as equal to one point in a caseload in addition to maintaining a minimal therapy load of forty points.

Rule 3.01.70.a (Replaces present policy in effect) - The Board adopted Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, Revised 1980.

Rule 4.00.73.b - The Board adopted revisions to Bulletin 1213, *Minimum Standards for School Buses*. The following revisions were necessary to comply with recent federal motor vehicle safety standards for school buses. School buses would have to change the rear axle for a 59/60 passenger bus from 15,000 to 17,000 pounds. Ply rating of tires for a 53/54 and 65/66 passenger bus would be changed from 10 to 12 ply. The rear axle change and the ply rating of tires would change the gross vehicle weight rating for the 53/54, 59/60 and 65/66 passenger buses as well as the rear axle gears weight rating for the 59/60 passenger bus.

James V. Soileau
Executive Director

RULE

Office of the Governor Division of Administration

Capital Outlay Budget Request Procedures

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Rules and regulations pertaining to the Capital Outlay Budget Request Procedures. These

Rules and regulations are identical to those published in the November, 1980 *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Office of the Governor
Division of Administration**

Policy and Procedure Memorandum No. 49 (Revised)

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Policy and Procedure Memorandum No. 49 (Revised), the General State Travel Regulations. These regulations are identical to those published in the December 20, 1980 *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has implemented the Low Income Energy Assistance Program to assist low income households with the high cost of energy during the winter months of January, February and March 1981.

Eligible households are those with liquid assets at or below \$1,500 for a single person household and \$3,000 for a multi-person household. Additionally, total monthly income shall not exceed \$276 for a single person household and \$451 for a multi-person household. Finally, eligible households are those vulnerable to the rising cost of home energy. To be vulnerable, a household shall be paying for a heating utility or making an undesignated payment for energy in the form of rent and shall not be a resident of Low Rent Public Housing or Section 8 Public Housing.

Payments in the months of January and February to eligible recipients shall range from \$15 to \$35 depending upon income, household size, region of the state, and the type of heating utility. The third payment in the month of March may be higher or lower than the preceding two depending on the amount of Federal funds remaining.

George A. Fisher, Secretary
Department of Health
and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted a rule amending the list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations, published in the *Federal Register* dated October 24, 1980, Volume 45, Number 208, pages 70574 through 70584.

These additional MACs have been established:

Potassium Chloride, oral Liq., 10 percent	\$0.0030 per ml.
Dicloxacillin Sodium, 250 mg. caps.	0.2690 per cap.
Quinidine Sulfate 200 mg. tabs.	0.0688 per tab.
*Hydrochlorothiazide 25 mg. tabs.	0.0152 per tab.
*Hydrochlorothiazide 50 mg. tabs.	0.0194 per tab.

*These MACs reflect a reduction in the MACs established on June 28, 1979.

The MACs for the following drugs have been suspended:
Oxyphenbutazone, 100 mg. tabs.
Phenylbutazone, 100 mg. tabs.
Phenylbutazone Alka, 100 mg. caps.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. HHS's regulations provide that when a physician certified that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case, their specific guidelines provide that:

- (1) The certification must be in the physician's handwriting.
- (2) The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription.
- (3) A standard phrase written on the prescription, such as "brand necessary," will be acceptable.
- (4) A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable.
- (5) A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

George A. Fischer, Secretary
Department of Health
and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has implemented the following policy related to determining the applicant's eligibility for the Medically Needy Program:

Bills (expenditures) for medical services recognized under state law shall be included in the spend-down process for determining Medically Needy eligibility, although some of these services may not be covered under Louisiana's Medical Assistance Program (i.e., dental services for persons age 21-65, psychiatric services for persons age 21-65, podiatrist services, etc.).

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted a rule amending present regulations related to vendor payment for emergency hospital services to include the following:

Licensed hospitals that are not participating fully in Title XIX Program (i.e., Emergency Access Only Facilities) are reimbursed on the basis of 85 percent of the hospital billed charge for emergency hospital services, not to exceed the Medicare reimbursement rate.

George A. Fischer, Secretary
Department of Health
and Human Resources

La. Register 1-20-81

RULES

Department of Labor Office of Labor

The following rules and standards for the administration of Apprenticeship Laws of Louisiana, were amended pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on January 9, 1981.

Louisiana State Apprenticeship Council

State Apprenticeship Standards and Procedure

1. The following paragraphs under the old rules and standards - "The Louisiana State Apprenticeship System" have been deleted as follows:

In paragraph 3. - State Apprenticeship Council, subparagraphs 2. a, b, and c have been deleted and subparagraphs 2-d, e, and f have been renumbered to g, h, and i.

In paragraph 5. - The Responsibilities of the State Apprenticeship Council, subparagraph 6 has been deleted.

2. The following paragraphs under the old rules and standards - "Procedure To Be Used as a Guide for Local Apprenticeship Committee" have been deleted as follows:

In paragraph 11 - Standards of Apprenticeship, subparagraph B.2. g.(1), (2), (3), (4) and (5) have been deleted.

In paragraph 111 - Procedure of Local Apprenticeship Committee In Handling Apprentices, subparagraph K has been deleted and subparagraph L and M have been renumbered K and L.

General Statement

The Louisiana State Apprenticeship Council has adopted the following Apprenticeship Standards as a guide to those industries participating in apprentice training programs:

1. Apprentice Defined
2. Purpose
3. State Apprenticeship Council
4. Personnel of the State Council
5. Responsibilities of State Council
6. Responsibilities of the Director of Apprenticeship
7. General Policies of State Council
8. Cooperation with Existing Organizations.

I. Apprentice Defined

The term "apprentice" as used herein shall mean a person at least sixteen years of age who has entered into a written agreement, hereinafter called an apprenticeship agreement, with an employer, an association of employers, or an organization of employees, which apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous employment for such person and *for participation* in an approved program of training through employment with education in related and supplemental subjects.

III. State Apprenticeship Council

The Assistant Secretary of Labor shall appoint a State Apprenticeship Council as follows:

G. Each member shall be appointed for three years.

H. Any member appointed to fill a vacancy occurring prior to the expiration of the term of their predecessor shall be appointed for the remainder of said term.

I. The Apprenticeship Council shall meet at the call of the *Assistant Secretary of Labor* and shall aid in formulating policies for an effective apprenticeship program.

IV. Transportation and Per Diem for Council Members

Each member of the Council not otherwise compensated by public funds, shall be reimbursed for transportation and shall be paid not more than *thirty-five dollars* per day for each day spent in attendance at meetings of the Apprenticeship Council.

V. The Responsibilities of the State Apprenticeship Council

C. Keep industry, the Legislature, and the general public informed through an annual report, made through the *Assistant Secretary of Labor*, of its activities and findings in the field of Apprenticeship Training.

VI. The Responsibilities of the Director of Apprenticeship under the Supervision of the *Assistant Secretary of Labor*

C. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement or trade apprenticeship standards.

D. Keep apprentices' records.

E. Issue Certificates of Completion of Apprenticeship.

F. Keep a record of apprenticeship agreements and their disposition.

G. Plan types of apprenticeship agreements and amend or revise such agreements when necessary.

H. *Approve adjustment of apprenticeship disputes.*

I. Perform such other duties as are necessary to carry out terms and conditions provided in the state apprenticeship standards and local apprenticeship committee standards and agreements.

VII. General Policies of the State Apprenticeship Council

A. *The Director of Apprenticeship is responsible for approving and registering apprenticeship agreements. Registration of apprenticeship agreements will depend upon the following provisions:*

2. The *term* of the apprenticeship, together with the probationary period:

The *term* of the apprenticeship period will be the minimum number of years necessary to master the occupation which is accepted as standard for the industry. The *probationary* period will be not more than a total of five hundred hours of employment and related instruction combined, extending over no more than four months.

5. Apprentice Wages:

The minimum starting wage rate of an apprentice shall be *thirty-five percent* of the journeyman hourly wage and shall not be less than _____ per hour the first year and _____ per hour beginning the second year. In no case, shall the starting wage rate for apprentices conflict with Federal Laws covering minimum wages. In no case shall the final period of apprenticeship be less than seventy-five percent of the journeyman hourly wage.

6. Ratio of Apprentices:

Initially, one apprentice to one journeyman. Thereafter, a ratio of no more than one apprentice to every two journeymen shall apply.

C. Apprenticeship Records:

An official Apprentice Record Book, as *approved* by the State Apprenticeship Council, shall be kept current by the apprentice at all times, signed by the employer or agent and school instructor.

D. Apprenticeship Training Agreement:

1. The apprenticeship agreement *will be supplied by the Director of Apprenticeship* to apprenticeship committees and to individual establishments interested in apprenticeship.

2. *The date of an apprenticeship agreement will be the actual date the apprentice entered employment as an apprentice as agreed to by the employer, the apprentice, and approved by the State Department of Labor.*

3. Apprenticeship agreements to be filled out:

c. Second copy for the employer or his agent, or the Apprenticeship Committee.

4. Two original copies of every Apprenticeship Agreement entered into shall be signed by the employer, or by an association of employers or an organization of employees, or the chairman or director of the local apprenticeship committee, and by the apprentice; and, if the apprentice is a minor, by the minor's father; provided that, if the father be dead or legally incapable of giving consent or has abandoned his family, then by the minor's mother;

if both father and mother be dead or legally incapable of giving consent, then by the tutor, of the minor. If the minor is without a tutor, a tutor ad hoc may be appointed, who shall have the authority to consent to and sign the Apprenticeship Agreement for a period of training extending into *the majority*; the Apprenticeship Agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

F. Supervision of Apprentices:

1. Apprentices on-the-job will be under the general supervision of the contractor-foreman and the direct supervision of the journeyman they are working under *at all times*.

G. Apprenticeship Committees:

1. State Trade Joint Apprenticeship Committee

b. The Apprenticeship Council shall appoint state joint apprenticeship committees for a trade or group of trades when two or more *local* apprenticeship committees have been established in the state for such trade or group of trades.

c. The State Apprenticeship Committee will coordinate the activities of *local apprenticeship committees* in the trade or group of trades which it represents.

d. The State Apprenticeship Committee will be composed of an equal number of employer and employee representatives, chosen from names submitted by the respective employer or employee organization. In a trade or group of trades in which there is no bona fide employer or employee organization, the Apprenticeship Council shall appoint such a committee from persons known to represent the interests of employers and of employees respectively.

2. Local Trade Apprenticeship Committee

c. A *local Apprenticeship Committee* shall be composed of an equal number of employer and employee representatives, chosen from names submitted by the respective local employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide local employer or employee organizations, a committee shall be appointed from persons known to represent the interest of employers and of employees, respectively.

H. Duties of an *Apprenticeship Committee*:

1. Set up proposed standards of training for the apprenticeship program subject to the *approval of the Director of Apprenticeship and State Apprenticeship Council*.

J. Registration or Approval Reciprocity

Apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of Title 29 CFR Part 29 amended March 21, 1977, by any recognized State Apprenticeship Agency/Council or by the Bureau of Apprenticeship and Training, U.S. Department of Labor, shall be, *if in order*, accorded registration or approval reciprocity of program apprentices by the Louisiana State Apprenticeship Council if such reciprocity is requested by the sponsoring entity.

VIII. Cooperation with other Organizations

A. Louisiana State Employment Service.

Approved by the Louisiana Apprenticeship Council in Regular Meeting this *10th day of October 1980*.

**Procedure to be used as a Guide for
Local Apprenticeship Committees**

A successful apprenticeship program depends upon the coordinated interest and cooperation of that industry in a well defined plan of procedure known as "a local apprenticeship system." In the development of a local apprenticeship system, it is important to obtain the combined interest of the employers and employees in order that the apprentice will not only be given an opportunity to learn by the employer, but also will be taught by the

skilled workers *with whom they are associated*.

The first and most important step in the development of an apprenticeship system is to provide someone responsible to conduct the program. This is provided in the apprenticeship committee, a committee representing the employer and employee in that skilled occupation. The apprenticeship committee might provide leadership and guidance for apprenticeship in their occupation covering a specific city or trade area. A committee of this type offers to the employers in the building trades a carefully coordinated program of apprenticeship that will enable their industry to provide a high standard of training for their future apprentices. In order to insure reasonably continuous employment, diversified work experiences and the proper supervision of the apprentice during the apprenticeship period, the relationship between the apprenticeship committee, the employer and the apprentice is of necessity a very close one. This is caused by the peculiar conditions surrounding the apprentice in construction industry. These conditions, which are conditions of employment, have been caused by a gradual change in the industry which has made it almost impossible for the individual contractor to offer the apprentice a successful apprenticeship. For this reason, it has often been said that apprenticeship is *not only the responsibility of the individual but also the industry*.

I. Local Apprenticeship Committee

A. The local apprenticeship committee shall be composed of an equal number of employer and employee representatives. Consultants to the committee should be a *local educator*, and the State Director of Apprenticeship. Such appointments shall be made by the *Assistant Secretary of Labor*.

B. Selection of Committee Members

It is important that local trade associations in selecting members to represent them in the apprenticeship committee find *persons* who are interested in developing highly skilled workers through apprenticeship — *persons* who have the ability and leadership to stimulate interest and action in others.

II. Standards of Apprenticeship

B. Apprenticeship Occupations

2. Criteria for Apprenticeable Occupations

An occupation, to be recognized as apprenticeable by the Louisiana State Apprenticeship Council, is one:

a. Which customarily has been learned in a practical way through training and work experience on the job.

b. Which is clearly identified and commonly recognized throughout an industry.

c. Which requires one or more years (2,000 or more hours) of work experience to learn.

d. Which requires related instruction to supplement the work experience (144 hours of such instruction during each year of the apprenticeship is usually considered the minimum.)

e. Which is not merely part of an apprenticeable trade recognized by the Louisiana State Apprenticeship Council, as recommended by the Federal Committee on Apprenticeship.

f. Which involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of one company.

C. Term of Apprenticeship

The *term* of the apprenticeship period should allow a sufficient amount of time for the apprentice to thoroughly master all phases of the skilled occupation. This is usually determined by listing the major divisions of the occupation, with the sub-divisions (operations, job experiences, or work processes) involved under each major division. Next determine the amount of time considered necessary to thoroughly master each phase of the work outlined. The total time will be a fairly accurate estimate of the

required length of the apprenticeship period which might be adjusted in light of experience. Many of the old line crafts have learned the proper term of the apprenticeship period through experience. Through careful planning and observation, these crafts have determined the length of time required by the average youth to give them sufficient amount of time to learn the skills of the trade, bring them up to speed, and acquire that seasoning and trade judgment necessary to make a successful *skilled worker*. The length of time used will depend upon the skill and technical knowledge required.

When planning an apprenticeship, every effort should be made to give the apprentice as complete and *broad* a training as possible. If this necessitates additional time on the apprenticeship period and the apprentice will profit by such additional training, it is the proper thing to do.

A most important phase of apprenticeship is the probationary period. A distinction is made between probation and apprenticeship in order to attract specific attention to the entering apprentice. With the proper care and judgment exercised during probation, many an *improper vocational selection ultimately can be avoided*, not to mention the many youths that will find their proper vocation. Many other devices have been used to encourage the proper selection of apprentices. In most instances, the method used deals directly or indirectly with the probationary period. The apprenticeship committee and the employer must realize that success with apprenticeship depends a great deal upon the youth's desire, willingness, and ability to master the occupation.

E. Shop Training. (Training on the Job)

The work of the apprentice is of great importance. It is through *experience* while working on the job supervised by journeymen workers that the *apprentice* acquires the skills of the trade. It is of utmost importance that the apprentice have an opportunity to learn by participating in a well planned diversified work program.

G. Number of Apprentices to be Trained

It is the responsibility of the local apprenticeship committee to determine the need for apprenticeship and relate their training with employment demands. Apprentices serving an apprenticeship, which is usually that period when *they* will be trained for *their* life's work, should have some reasonable assurance of employment upon completion. The local apprenticeship committee has assumed the responsibility of supplying their trade with an even flow of competent, well trained workers as they can be absorbed in the industry.

III. Procedure of Local Apprenticeship Committee in Handling Apprentices

B. Transfer of Apprentices

With the consent of all parties to the agreement, and it is considered for the best interest of the apprentice, it will be a function of the local Apprenticeship Committee to transfer an apprentice from one employer to another. *When there is no local Apprenticeship Committee*, the transfer of an apprentice from one employer to another will be the responsibility of the State Apprenticeship Council upon proper notification by the sponsor. There will be three copies of the Apprentice Agreement; one for the apprentice, one for the employer, and the third filed with the State Council on Apprenticeship.

C. Progress Made by the Apprentice

It will be a function of the Local Apprenticeship Committee/Sponsor to check the progress of the apprentice every six months and make recommendations to the apprentice's employer and the apprentice's instructor pertaining to any shortcomings in the training of the apprentice. This will be in addition to the supervisory reviews conducted by the State Apprenticeship Training Representatives. After the probationary period, an apprentice's term may be extended at any step until sufficient proficiency has been

gained to advance to the next step; but any extension cannot exceed one year during the entire term of apprenticeship.

D. Determine When an Apprentice has Completed Training

Upon completion of the apprentice period, all apprentices will be required to prove their ability as a journeyman worker in the practical and theoretical phases of the trade.

I. School Attendance

The apprentice shall be required to attend vocational classes in subjects related to *the trade* for at least 144 hours per year.

K. Time and Place of Committee Meetings

A successful apprenticeship committee must meet at least once a month. It is advisable to provide a definite date, place, and time for committee meetings.

L. Minutes of Committee Meetings

Since apprenticeship is a technical subject, an apprenticeship committee will learn a great deal about it through their experience in conducting a successful program. The problems encountered, procedures, methods and recommended changes in the apprenticeship system should be kept in the minutes of the committee meeting in order that the apprenticeship system might be revised in accordance with the experience of the apprenticeship committee.

Anyone wishing to view the rules and standards of Apprenticeship Laws of Louisiana in its entirety may do so by contacting J. T. Armatta, Assistant Secretary of Labor, Office of Labor, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA 70804, or at the Office of the State Register, 1500 Riverside, Baton Rouge, LA 70804.

J. T. Armatta,
Assistant Secretary

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The following revisions to the Air Quality Regulations and the State Implementation Plan (SIP) were approved December 11, 1980 by the Environmental Control Commission:

Air Quality Regulation Revisions

Revise Section 22.19.2 (B) of the regulations to read as follows:

22.19.2 Exemptions

(B) Coin operated perchloroethylene dry cleaning facilities must maintain and operate existing devices to limit organic emissions. However, the addition of extra devices to comply with this regulation is not required. Leak checks described in 22.19.1 (A) and (B) must be performed.

Revise Section 22.20.2 as follows:

22.20.2 Exemptions

A rotogravure or flexographic printing facility which has a potential to emit a combined weight of volatile organic compounds less than 100 T/Y calculated from historical records of actual consumption of ink is exempt from the provisions of Section 22.20.1.

Revise Section 22.21.2 (D) as follows:

22.21.2 (D)

Monitor immediately with a VOC detection device any pump seal when liquids are observed dripping from the pump seals.

Revise Section 4.110 as follows:

4.110 Transfer Efficiency

The portion of coating solids which is not lost or wasted during the application process expressed as percent of total volume of coating solids delivered by the applicator.

Delete 4.102 Vapor-Tight . . . Save the number for a future definition.

In Section 22.9.2 (b), revise the wording to include an alternate test method:

. . . , (EPA 450/2-77-008), the procedures specified in "Measurement of Volatile Organic Compounds" (EPA-450/2-78-041), a method approved by the Assistant Secretary or certification from the paint manufacturer concerning the solvent makeup of the paint.

In Section 22.20.3 revise the wording to include an alternate test method:

. . . , (EPA 450/2-77-008), the procedures specified in "Measurement of Volatile Organic Compounds" (EPA 450/2-78-041), a method approved by the Assistant Secretary or certification from the ink manufacturer concerning the solvent makeup of the ink.

In Section 22.23.7 revise the wording to include an alternate test method:

. . . December 31, 1982. Compliance will be determined by the procedures specified in "Measurement of Volatile Organic Compounds" (EPA 450/2-78-041) or a method approved by the Assistant Secretary.

In Section 22.9.3(d), the wording should be revised to read as follows:

(d) Surface coating facilities on any property in affected parishes which have a potential to emit a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four-hour period are exempt from the provisions of Regulations 22.9.2(a) through (j).

In the entirety of the Air Quality Regulations, any reference to the Technical Secretary should now read Assistant Secretary.

Modification to Page 55 of:

'Louisiana State Implementation Plan Revisions for Ozone Abatement'

Volatile Organic Compounds Exempt from Regulation Under State Implementation Plan

Methane

Ethane

1, 1, 1 - Trichloroethane (Methyl Chloroform)

Methylene Chloride

Trichlorofluoromethane (CFC-11)*

Dichlorodifluoromethane (CFC-12)

Chlorodifluoromethane (CFC-22)

Trifluoromethane (FC-23)

Dichlorotetrafluoroethane (CFC-114)

Trichlorotrifluoroethane (CFC-113)

Chloropentafluoroethane (CFC-115)

Volatile Organic Compounds of Low Reactivity

Propane Tertiary Alkyl Alcohols

Acetone Methyl Acetate

Methyl Ethyl Ketone Phenyl Acetate

Methanol Ethyl Amines

Isopropanol Acetylene

Methyl Benzoate N, N - Dimethyl Formanide

*Note:

CFC = Chlorofluorocarbons

FC = Fluorocarbons

Revisions to Section 28.0 of the Air Regulations

28.0 Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Aluminum Plants.

28.1 Purpose. The purpose of these regulations is to limit the quantity of particulate matter (suspended particulate matter) and fluorides emitted from all horizontal stud Soderberg primary aluminum plants and all prebake primary aluminum plants in Louisiana.

28.4.3 Fluoride Emissions-Horizontal Stud Soderberg Process.

The fluoride emissions from horizontal Stud Soderberg process aluminum plants shall be abated by using a potline primary emission control system designed to have an average collection efficiency of 90 percent and an average removal efficiency of 98.5 percent of the fluorides collected.

28.4.4 Fluoride Emissions-Prebake Process.

The fluoride emissions from prebake process aluminum plants shall be abated by using a potline primary emissions control system designed to have an average collection efficiency of 95 percent and an average removal efficiency of 98.5 percent of the fluorides collected.

28.7 Operating Practices.

All hood covers must be in good repair and properly positioned over the pots. The amount of time hood covers are removed during pot working operations must be minimized.

Any pot found emitting excess particulate and fluorides (fuming cell) will be scheduled for rework before the end of the shift.

If tapping crucibles are equipped with hoses which return aspirator air under the hood, the hoses will be maintained in good working order and the air return system must function properly.

The Louisiana State Implementation Plan for Fluorides from Existing Primary Aluminum Plants

1) Preamble.

The purpose of this plan is to establish emission limitations for fluorides from existing primary aluminum plants. This plan is being prepared in accordance with Section III (d) of the Federal Clean Air Act for these welfare related pollutants.

2) Legal Authority.

The "Louisiana Environmental Control Law" R.S. 30:1051 et seq. grants this Commission the power to prepare and develop this State Implementation Plan for these air contaminants. Fluorides are classified as air contaminants by §1083 (1). Therefore, adequate legal authority is vested in the Commission to adopt this plan.

3) Emission Limitations.

Section 28 of the regulations is hereby modified to include fluoride emission limitations for:

I) Horizontal Stud Soderberg Primary Aluminum Plants and

II) Prebake Aluminum Plants.

4) Compliance Schedules.

No compliance schedules have been considered at the time of this writing. Compliance must be achieved as quickly as practicable but no later than two years after promulgation of this implementation plan.

5) Resources.

The annual compliance determination fee and permit fees will be adjusted to cover the costs associated with compliance with the fluoride limitations, however, no additional state funds are anticipated.

5) Public Notice.

Public Notice of this plan revision was made in the Louisiana Register of October 20, 1980 as well as the Baton Rouge, Shreveport and Monroe newspapers. A public hearing was held in November, 1980. The plan and regulations were adopted in December, 1980.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

The Louisiana Environmental Control Commission and the Joint Committee on Natural Resources has adopted and

approved respectively, the rules and regulations governing the permit fee system for the Office of Environmental Affairs. These rules establish fees as required by LRS 30:1065 B pertaining to permits, licenses, registration or variances issued or required by programs administered by the Office of Environmental Affairs and the Hazardous Waste, Air Quality and Water Pollution Control Divisions.

Those individuals requesting copies of the fee schedule may contact the Office of Environmental Affairs, State Land and Natural Resources Building, Sixth Floor, 625 North Fourth Street, Baton Rouge, Louisiana 70804, telephone (504) 342-1265.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

Department of Public Safety Office of State Fire Marshal

Re: Mattresses in prisons

I, Daniel L. Kelly, State Fire Marshal, hereby adopt the following rule:

L.A.C. 17:4:15 Inspection of Prisons

15.2 K. No mattresses shall be permitted in the cells, isolation rooms, detention rooms, and any other enclosed area of any prisons, jails or penal institutions in the State of Louisiana unless those mattresses meet the following requirements and are approved as such by this office:

1. Ticking and filler must be flame retardant;
2. No mattress or component thereof may in the event of fire or any type of ignition give off gases which are any more toxic than natural untreated oak wood;
3. The cover of every mattress must be impervious to water.

In dormitory, ward and other group living areas with adequate outside ventilation, mattresses with untreated cotton filler will be permitted but the cover must be fire retardant and impervious to water.

Pillows must be made with stuffing of natural fibers.

All mattresses must be clearly identified by a color code showing that mattresses to be used in cells, isolation rooms, detention rooms, and any other enclosed area are red and those mattresses used in dormitories, wards, and group living areas with adequate outside ventilation are blue.

Every prison, jail, or penal institution is hereby granted up to six months to meet the requirements of this rule; however, until the mattresses and pillows meet the requirements of this section, no smoking utensils or other devices or materials which could be used to ignite a fire shall be permitted on the premises of the facility.

Daniel L. Kelly
State Fire Marshal

RULE

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The Louisiana Environmental Control Commission and the Joint Committee on Natural Resources has adopted and approved respectively, the Solid Waste Management Program rules and regulations governing the disposal of solid wastes. This Program establishes rules and regulations as required by Act 449

of 1979 (Louisiana Environmental Affairs Act). The Solid Waste Management Program will establish standards governing the storage, collection, recovery, reuse and disposal of solid waste. Upon implementation, the Program will protect the air, ground and surface water and the environment from pollution of solid wastes, thus eliminating a potential threat to human health and a danger to the environment.

Those individuals requesting copies of the Solid Waste Management Program may contact the Office of Environmental Affairs, State Land and Natural Resources Building, Sixth Floor, 625 North Fourth Street, Baton Rouge, Louisiana 70804 or telephone (504) 342-1265.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

Department of the Treasury State Bond Commission

The following rules and regulations of the Louisiana State Bond Commission, office of the Treasurer, were adopted pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on December 9, 1980.

Section 2, paragraph 2 of the State Bond Commission's Rules and Regulations, as originally adopted on November 20, 1976, and amended as of October 20, 1978, and November 20, 1979, are hereby amended to read:

"Applications must be filed with the Commission at least nine working days in advance of a commission meeting, except in cases of absolute emergencies or in cases where permission for later filing of routine matters is granted."

Thomas D. Burbank, Jr.
Director and Secretary
State Bond Commission

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Dairy Stabilization Board

The Department of Agriculture, Dairy Stabilization Board, intends to adopt rules pertaining and relating to the following:

1. Licensed retailers selling fluid milk shall maintain competition in the dairy case.
2. Sellers of dairy products shall not discriminate in price or service against buyers or between territories in Louisiana.
3. Advertisements of low-fat milk products shall clearly state the percentage of milk fat contained in said products.

Interested persons may comment on the proposed regulations, in writing, through February 3, 1981, at the following address: Mr. C. James Gelpi, Director-Attorney, Dairy Stabilization Board, Department of Agriculture, 2843 Victoria Drive, Baton Rouge, La. 70805. Mr. Gelpi is the person responsible for responding to inquiries about the proposed rules.

C. James Gelpi
Director-Attorney

proposed rule until 5 p.m. February 3, 1981 to Mrs. Mildred M. McGaha, Executive Director, State Board of Certified Public Accountants of Louisiana, 310 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130. Mrs. McGaha is the person responsible for responding to inquiries concerning the proposed rule.

Shelby W. Davis, Secretary
 State Board of Certified Public Accountants of Louisiana

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

Rule Title: Fees and service charges

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no increased implementation costs to this agency as the change affects fees only and will not involve additional staff time or change any office procedures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The total increase in revenue to the State Board of CPA's is as follows:

	Candidates @ \$25	Candidates @ \$15	Applicants for Certification/ Licensing @ \$20	Total Increase in Revenue
FY 80/81	173*	258*	50	\$ 9,195
FY 81/82	528	538	50	\$22,270
FY 82/83	549	549	50	\$23,125

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The total cost to affected groups is as follows:

	Candidates @ \$25 (Increase)	Candidates @ \$15 (Increase)	Applicants for Certification/ Licensing @ \$10 ea.	Total Cost in Revenue
FY 80/81	173	258	50	\$ 9,195
FY 81/82	528	538	50	\$22,270
FY 82/83	549	560	50	\$23,125

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The proposed fee increases are not expected to affect the number of CPA candidates or the number of original CPA certifications and licenses issued annually. Consequently, it is believed that the proposed action will not have an impact on competition and employment in the public and private sectors.

M. M. McGaha, CPA
 Executive Director

Mark C. Drennen
 Legislative Fiscal Officer

NOTICE OF INTENT

State Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following policy at its February meeting: Standards for Certification of Paraprofessionals.

Interested persons may comment on the proposed policy, in writing, until 4:30 p.m., February 11, 1981, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, La. 70804.

James V. Soileau
 Executive Director

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

Rule Title: Standards for Certification of Paraprofessionals

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

This Rule adoption would not impact current funding. P. L. 94-142 Part D funds were utilized to develop the competencies and establish the permit levels, and have been requested to develop and print training manuals and train trainers. Paraprofessional salaries would remain funded at the current level.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Rule adoption will not effect revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The Rule adoption will not effect groups outside of the Education agency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Reduce the turnover rate among teachers' aides and provide the personnel needed for positions available. Utilization of paraprofessionals (Level III and Level IV) is an option for meeting the current teacher shortage.

George Byron Benton, Jr.
 Associate Superintendent

Mark C. Drennen
 Legislative Fiscal Officer
 of Finance

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

The Board of Trustees for State Colleges and Universities proposes to change the rule for eligibility for athletic participation by a transfer student, Part IX, Section 9.6E, paragraphs 2 and 4 of the Policies and Procedures Manual. The new rule will require attendance for at least one regular fall or spring semester.

Interested persons may obtain further information or sub-

mit written comments on this proposed policy change through February 13, 1981 at the following address: Miller Shamburger, Board of Trustees for State Colleges and Universities, Box 44307, Capitol Station, Baton Rouge, Louisiana 70804.

Bill Junkin
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The Board estimates that there will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The Board estimates that there will be no impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The Board estimates that there will be no costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The Board estimates that there will be no effect on competition and employment.

Bill Junkin
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

Policy and Procedure Memorandum No. 63 (Revised)

Under the authority granted by RS 39:361, the Office of the Governor, Division of Administration, proposes to adopt Policy and Procedure Memorandum No. 63 (Revised), relative to the use of state-owned vehicles, mileage reimbursements and reporting requirements. These rules and regulations are identical to those published under emergency procedures in the December 20, 1980 Louisiana Register.

Questions and comments should be addressed to Mr. David M. Bruce, Assistant Commissioner of Administration, Box 44095, Capitol Station, Baton Rouge, La. 70804. Comments will be accepted until February 4, 1981.

E. L. Henry
Commissioner of Administration

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: PPM 63**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no estimated implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
All state agencies will be required to report the following additional information:

- a. License number, make, model, primary user and annual mileage of state-owned vehicles.
- b. Number, license number, type, make, model, year, primary user, mileage and cost of leased or rented vehicles.
The information in "a" is already being collected for the BR20 budget forms. The cost of reporting the information in "b" will be insignificant since this data should be readily available within each agency using such vehicles.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It is estimated that there will be no effect on competition and employment.

David M. Bruce
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby proposes to adopt the following policies, rules and regulations relative to the Small and Minority Business Set Aside Program, mandated by R.S. 39:1731-1736.

Statement of Policy

It is the policy of the State of Louisiana to involve small businesses and small businesses owned and operated by socially or economically disadvantaged persons in all phases of procurement activities and to afford them the maximum feasible opportunity to compete for contracts.

In order to accomplish this objective, it is the intent of the Division of Administration to implement the Louisiana Small Business Procurement Program, pursuant to Act 715 of 1979 which designates and sets aside for awarding to small businesses, an amount not to exceed ten percent of the value of anticipated total state procurements of goods and services excluding construction and which designates and sets aside for awarding to small businesses owned and operated by socially or economically disadvantaged persons, an amount not to exceed ten percent of the value of the procurements designated for set aside awards to small businesses.

For the purposes of this policy and its procedures for implementation, the following definitions shall be employed:

"Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which is domiciled in and has its principal place of business in Louisiana and which is not either dominant in its field of operation or an affiliate or subsidiary of a business in its field of operation.

"Dominant in its field of operation" means exercising a controlling or major influence in a business activity in which a number of businesses are engaged. In determining if a business is dominant, the following criteria, among others, shall be considered: number of employees; volume of business; financial resources; competitive status or position; ownership or control of materials, processes, patents, license agreements and facilities; sales territory; and nature of business activity. The following businesses shall be deemed dominant in their field of operation:

- a) Manufacturing businesses which employ more than one hundred persons and have in the preceding three fiscal years exceeded a total of fifteen million dollars in gross receipts; and,
- b) Nonmanufacturing businesses which employ more than twenty-five persons and have in the preceding three fiscal years exceeded a total of three million dollars in gross receipts.

“Affiliate or subsidiary of a business dominant in its field of operation” means a business which is at least twenty percent owned by a business dominant in that field of operation, or by partners, officers, directors, majority shareholders, or their equivalent of a business dominant in that field of operation.

“Socially or economically disadvantaged person” means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. This disadvantage may arise from cultural, social or economic circumstances or background or physical location.

“Governmental body” means any department, office, division, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, legislative, or judicial branch of state government.

“FACS” means the Financial Accountability and Control System which provides a coordinated reporting, accounting and budgetary control system for state government.

“Non-FACS governmental bodies” means those governmental bodies that have not been covered to nor presently on the FACS system.

Procedures for the Designation and Setting Aside of Contracts to Small Businesses and Small Businesses Owned and Operated by Socially or Economically Disadvantaged Persons for Procurement of Goods and Services

A. All governmental bodies shall identify all goods and services purchased by their respective departments that are eligible for inclusion in the set-aside program. The Central Purchasing Agency shall collect said information through the Contracts Management System for all governmental bodies on FACS. Upon completion of the identification process, all governmental bodies shall prepare and submit a report to the Commissioner of Administration listing said goods and services and their associated costs.

B. The Governor’s Office of Minority Business Development, in cooperation with statewide business development organization and SBA, shall assume the responsibility of identifying small businesses and small businesses owned and operated by socially or economically disadvantaged persons and their capabilities and experience. Information generated from this effort shall be forwarded to the Commissioner of Administration and the Central Purchasing Agency. In addition, said data shall be stored on the computer utilized by the Central Purchasing Agency to allow for easy access and retrieval for purposes of identifying prospective bidders and soliciting competitive bids.

C. In order to provide for the maximum utilization of small businesses and small businesses owned and operated by socially or economically disadvantaged persons, the Division of Administration shall determine what commodities and services anticipated to be contracted by the state can be feasibly procured from small businesses and small businesses owned and operated by socially or economically disadvantaged persons. This task will involve using the information generated in the initial steps (A and B) to match goods and services with prospective vendors. This is necessary because there must exist a reasonable expectation that at least three bids will be received before a contract is designated as a set aside project.

D. Upon completion of this process, the Division of Administration shall prepare recommendations regarding purchases that are to be set aside for small businesses and small businesses owned and operated by socially or economically disadvantaged persons and direct the respective departments of state government to proceed with the implementation of the set aside program. The

directive to the departments will be issued in ample time to allow for the contract to be advertised, bid, and awarded in conformance with the Procurement Code time specifications and procedures.

E. The Central Purchasing Agency and the respective departments of state government shall refer to the Governor’s Office of Minority Business Development and the computer listing of small businesses and small businesses owned and operated by socially or economically disadvantaged persons for identifying prospective vendors for the solicitation of goods and services. The Governor’s Office of Minority Business Development shall be referred to for verification of the legitimacy of the status of the vendor as a small business or small business owned and operated by socially or economically disadvantaged persons and other relevant information.

F. The Central Purchasing Agency and departments of state governments shall strongly urge prime contractors engaged in contractual obligations with the state to seek and use the services of small businesses owned and operated by socially or economically disadvantaged persons to perform sub-contractual services and as authorized dealers under the awarded State contracts.

G. All procedures for the procurement of goods and services from small businesses and small businesses owned and operated by socially or economically disadvantaged persons and the solicitation of bids shall be in accordance with the Louisiana Procurement Code (R.S. 39:1551 through 1733).

H. The Governor’s Office of Minority Business Development shall notify small businesses and small businesses owned and operated by socially or economically disadvantaged persons in writing that a contract is being let out for bid. In this notice, the type of contract, where it is located, whom to see for bid documents, the time of the opening and the contract dates should be given. Any additional information the Governor’s Office of Minority Business Development feels is pertinent may be included. By employing this method in addition to the normal solicitation procedures undertaken by the departments of state government and the Central Purchasing Agency, a good response should be assured to the invitation to bid and possibly increase the competitiveness of bidding.

I. The Central Purchasing Agency and departments of state government shall be directed when advertising set aside contracts, to have the advertising headed “Small Business Set Aside” or “Set Aside for Small Businesses Owned and Operated by Socially or Economically Disadvantaged Persons”. This notice should appear as the heading and not in the main body of the notice.

J. The Commissioner of Administration shall delegate to the Governor’s Office of Minority Business Development the responsibility of developing procedures for certifying small businesses and small businesses owned and operated by socially or economically disadvantaged persons as eligible for participation in the set aside program. The procedure for determination of eligibility may include self-certification by a business with the Division of Administration retaining the ability to verify the self-certification. Close coordination with the Office of the Secretary of State will be essential to verify small businesses and small businesses owned and operated by socially or economically disadvantaged persons.

K. The Governor’s Office of Minority Business Development shall, on a continuing basis, revise and update the listing and profiles of pre-qualified small businesses and small businesses owned and operated by socially or economically disadvantaged persons. The information on the vendors stored on the computer shall be kept current to reflect revisions and additions to the filed data. The Governor’s Office of Minority Business Development and the Purchasing Section shall work closely for the accomplish-

ment of this goal.

L. Each non-FACS governmental body shall be responsible for filing a monitoring report on a quarterly basis for all goods and services purchased. This information is required regardless of whether the governmental bodies or Central Purchasing processed the purchase. The report shall be prepared in conformance with the format shown in Exhibit A.

M. The monitoring report for the governmental bodies on FACS will be captured and reported by Central Purchasing through the Contracts Management System. This report will include both purchasing made directly by the governmental bodies and purchases processed by Central Purchasing for the governmental bodies. The quarterly monitoring report for governmental bodies on FACS shall be prepared in conformance with FACS Report Number AM164514.

N. The quarterly monitoring report prepared by non-FACS governmental bodies shall be forwarded to the Commissioner of Administration, the Central Purchasing Agency and the Governor's Office of Minority Business Development. The Central Purchasing Agency's quarterly monitoring report shall be forwarded to the Commissioner of Administration and the Governor's Office of Minority Business Development.

O. Non-FACS governmental bodies are required to establish their administrative procedures for the preparation of the quarterly monitoring reports by March 1, 1981. Non-FACS governmental bodies shall submit their initial monitoring reports by April 15, 1981. Said reports shall be representative of the purchases made by the governmental bodies during the past quarter or three months (January, 1981; February, 1981; and March, 1981). All governmental bodies shall begin to gather said data by March 1, 1981 and shall prepare and submit the monitoring report for the immediate or first quarter (January, 1981; February, 1981; March, 1981) by April 15, 1981.

P. Non-FACS governmental bodies are not required to report information on purchases made for the fiscal year to date. Said governmental bodies are required to begin preparing this

data for incorporation into the quarterly monthly report by April 30, 1981.

Report Key for Exhibit A

1. Beginning and ending dates of the reporting period.
2. Governmental body name.
3. Description of what the report represents.
4. Reporting period covered (purchases made during the quarter being reported and the current fiscal year's purchases to date).
5. Commodity classes and descriptions in which purchases were made during the quarter being reported.
6. Dollar amount and number of purchase orders submitted through the Central Purchasing Agency.
7. Dollar amount and number of purchase orders submitted directly by the governmental body.
8. Total number of commodity classes purchased by the governmental body during the reporting period (this number represents the number of commodity classes listed in Item 5).
9. Total number and dollar amount of purchase orders submitted respectively through the Central Purchasing Agency for the current quarter, by the governmental body for the current quarter, through the Central Purchasing Agency during the current fiscal year to date, and by the governmental body during the current fiscal year to date. The data requested represent the respective totals of Items 6 and 7 of this report key.
10. The total dollar volume and number of purchase orders submitted through the Central Purchasing Agency plus those submitted directly by the governmental body for the current quarter reported and for the fiscal year to date.

This format is to be used also for documenting release orders issued. This format is to be followed for documenting purchase and release orders issued for acquisition from small businesses owned and operated by socially or economically disadvantaged persons.

EXHIBIT A

PURCHASING - STATE OF LOUISIANA
PURCHASE ORDER USAGE REPORT

TOTAL ALL PURCHASE ORDERS

1
Period Beginning 01- 1-81
Period Ending 03-31-81

2
Dept. of Transportation & Development

CLASS DESCRIPTION	CURRENT QUARTER				FISCAL YEAR TO DATE				
	CPO		NON-CPO		CPO		NON-CPO		
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	
030 Air conditioning equipment & Accessories	\$ 2,378	12	\$ 0	0	\$ 7,384	30	\$ 6,863	13	
090 Bakery equipment commercial	\$10,462	5	\$ 5,390	2	\$ 12,581	6	\$ 8,454	6	
120 Boats, motors, marine & wildlife supplies	\$32,698	30	\$ 0	0	\$ 41,200	31	\$ 1,952	5	
310 Envelopes, plain or printed	\$ 38	8	\$ 760	50	\$ 598	52	\$ 4,492	480	
380 Food, dairy products, fresh	\$15,698	38	\$ 6,482	25	\$ 68,748	103	\$ 8,788	60	
385 Foods, freeze dried & frozen prepared and ready	\$64,400	40	\$32,685	75	\$185,645	80	\$64,700	120	
420 Furniture, non-office	\$48,932	120	\$ 0	0	\$ 68,976	131	\$ 0	0	
680 Police protection equipment & supplies	\$21,650	2	\$ 0	0	\$108,932	10	\$ 0	0	
695 Printing and silk screening	\$ 0	0	\$ 380	2	\$ 0	0	\$ 465	3	
9 Commodities	CPO/Non-CPO Period Totals	\$196,256	255	\$45,697	154	\$494,064	443	\$ 97,714	687
	Total last quarter	\$241,953	409						
	Total fiscal year to date	\$591,778	1130						

8

9

10

EXHIBIT A-1

Period Beginning 01- 1-81
 Period Ending 03-31-81

PURCHASING - STATE OF LOUISIANA
 RELEASE ORDER USAGE REPORT

Dept. of Transportation & Development

Total all release orders

CLASS DESCRIPTION	----- Current Quarter -----				----- Fiscal Year to Date -----				
	CPO		NON-CPO		CPO		NON-CPO		
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	
030 Air conditioning equipment & Accessories	\$ 2,378	12	\$ 0	0	\$ 7,384	30	\$ 6,863	13	
090 Bakery equipment commercial	\$10,462	5	\$ 5,390	2	\$ 12,581	6	\$ 8,454	6	
120 Boats, motors, marine & wildlife supplies	\$32,698	30	\$ 0	0	\$ 41,200	31	\$ 1,952	5	
310 Envelopes, plain or printed	\$ 38	8	\$ 760	50	\$ 598	52	\$ 4,492	480	
380 Food, dairy products, fresh	\$15,698	38	\$ 6,482	25	\$ 68,748	103	\$ 8,788	60	
385 Foods, freeze dried & frozen prepared and ready	\$64,400	40	\$32,685	75	\$185,645	80	\$64,700	120	
420 Furniture, non-office	\$48,932	120	\$ 0	0	\$ 68,976	131	\$ 0	0	
680 Police protection equipment & supplies	\$21,650	2	\$ 0	0	\$108,932	10	\$ 0	0	
695 Printing and silk screening	\$ 0	0	\$ 380	2	\$ 0	0	\$ 465	3	
9 Commodities									
	CPO/Non-CPO Period Totals	\$196,256	255	\$45,697	154	\$494,064	443	\$ 97,714	687
	Total Last Quarter	\$241,953	409						
	Total fiscal year to date	\$591,778	1130						

EXHIBIT A-2

Period Beginning 01- 1-81
 Period Ending 03-31-81

PURCHASING - STATE OF LOUISIANA
 PURCHASE ORDER USAGE REPORT

Dept. of Transportation & Development

Total small business

CLASS DESCRIPTION	----- Current Quarter -----				----- Fiscal Year to Date -----				
	CPO		NON-CPO		CPO		NON-CPO		
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	
030 Air conditioning equipment & Accessories	\$ 698	2	\$ 0	0	\$ 2,120	8	\$ 520	2	
090 Bakery equipment commercial	\$1,468	1	\$ 5,390	2	\$ 1,468	1	\$4,320	3	
120 Boats, motors, marine & wildlife supplies	\$9,680	8	\$ 0	0	\$ 9,680	8	\$ 0	0	
310 Envelopes, plain or printed	\$ 12	3	\$ 430	29	\$ 275	25	\$2,676	286	
380 Food, dairy products, fresh	\$ 936	5	\$ 1,976	10	\$13,104	70	\$2,498	20	
420 Furniture, non-office	\$4,077	10	\$ 0	0	\$ 5,898	15	\$ 0	0	
695 Printing and silk screening	\$ 0	0	\$ 380	2	\$ 0	0	\$ 465	3	
7 Commodities	CPO/Non-CPO Period Totals	\$16,871	29	\$ 8,176	43	\$32,545	127	\$10,479	314
	Total Last Quarter	\$25,047	72						
	Total Fiscal Year to Date	\$43,024	441						

EXHIBIT A-3

Period Beginning 01- 1-81
 Period Ending 03-31-81

PURCHASING - STATE OF LOUISIANA
 RELEASE ORDER USAGE REPORT

Dept. of Transportation & Development

Total small business

CLASS DESCRIPTION	-----Current Quarter-----				-----Fiscal Year to Date-----				
	CPO		NON-CPO		CPO		NON-CPO		
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	
030 Air conditioning equipment & Accessories	\$ 698	2	\$ 0	0	\$ 2,120	8	\$ 520	2	
090 Bakery equipment commercial	\$1,468	1	\$ 5,390	2	\$ 1,468	1	\$4,320	3	
120 Boats, motors, marine & wildlife supplies	\$9,680	8	\$ 0	0	\$ 9,680	8	\$ 0	0	
310 Envelopes, plain or printed	\$ 12	3	\$ 430	29	\$ 275	25	\$2,676	286	
380 Food, dairy products, fresh	\$ 936	5	\$ 1,976	10	\$13,104	70	\$2,498	20	
420 Furniture, non-office	\$4,077	10	\$ 0	0	\$ 5,898	15	\$ 0	0	
695 Printing and silk screening	\$ 0	0	\$ 380	2	\$ 0	0	\$ 465	3	
7 Commodities	CPO/Non-CPO Period Totals	\$16,871	29	\$ 8,176	43	\$32,545	127	\$10,479	314
	Total Last Quarter	\$25,047	72						
	Total Fiscal Year to Date	\$43,024	441						

EXHIBIT A-4

Period Beginning 01- 1-81
 Period Ending 03-31-81

PURCHASING - STATE OF LOUISIANA
 PURCHASE ORDER USAGE REPORT

Dept. of Transportation & Development

Total minority business

CLASS DESCRIPTION	----- Current Quarter -----				----- Fiscal Year to Date -----			
	CPO		NON-CPO		CPO		NON-CPO	
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS
030 Air conditioning equipment & Accessories	\$ 350	1	\$ 0	0	\$ 1,098	3	\$ 300	1
090 Bakery equipment commercial	\$ 0	0	\$2,140	1	\$ 0	0	\$2,560	2
310 Envelopes, plain or printed	\$ 0	0	\$ 287	15	\$ 150	9	\$ 982	80
360 Food dairy products, fresh	\$ 480	3	\$ 860	5	\$ 8,758	30	\$1,698	12
4 Commodities								
CPO/Non-CPO Period Totals	\$ 830	4	\$ 3,284	21	\$10,006	42	\$ 5,540	95
Total Last Quarter	\$ 4,117	25						
Total Fiscal Year to Date	\$15,546	137						

EXHIBIT A-5

Period Ending 03-31-81

PURCHASING - STATE OF LOUISIANA
RELEASE ORDER USAGE REPORT

Dept. of Transportation & Development

Total minority business

CLASS DESCRIPTION	Current Quarter				Fiscal Year to Date				
	CPO		NON-CPO		CPO		NON-CPO		
	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	DOLLARS	DOCMTS	
030 Air conditioning equipment & Accessories	\$ 350	1	\$ 0	0	\$ 1,098	3	\$ 300	1	
090 Bakery equipment commercial	\$ 0	0	\$2,140	1	\$ 0	0	\$2,560	2	
310 Envelopes, plain or printed	\$ 0	0	\$ 287	15	\$ 150	9	\$ 982	80	
360 Food dairy products, fresh	\$ 480	3	\$ 860	5	\$ 8,758	30	\$1,698	12	
4 Commodities									
	CPO/Non-CPO Period Totals	\$ 830	4	\$ 3,284	21	\$10,006	42	\$ 5,540	95
	Total Last Quarter	\$ 4,117	25						
	Total Fiscal Year to Date	\$15,546	137						

Questions and comments should be addressed to Mr. Cornelius A. Lewis, Assistant Commissioner, Division of Administration, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804. Comments will be accepted through February 4, 1981.

Cornelius A. Lewis
Assistant Commissioner

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

Rule Title: Small and Minority Business Set-Aside Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The additional tasks required by the Division of Administration (Central Purchasing and LIPA) consist of developing a computerized file of small/minority businesses, promulgating a listing of potential bidders and preparing quarterly monitoring reports for FACS agencies. These tasks will be performed initially with existing resources of these offices. As more experience is gained with the program, additional staff may be required for the Central Purchasing Office.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

One of the purposes of the Set-Aside Program is to encourage the development and continuation of Small/Minority Businesses. To the extent that this purpose is accomplished, additional revenues (in the form of corporate-related taxes) will be generated for the state general fund. At this time it is impossible to determine the amount of such revenue that will result directly from the implementation of this program.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

1. Office of Minority Business Development - costs during the first full year of implementation for administration and monitoring are estimated at \$235,000.
2. Non-FACS agencies - These agencies will have to manually generate required monitoring reports. It is anticipated that these costs can be absorbed by the agencies' existing operating budgets.
3. FACS agencies - required monitoring reports will be generated by the Division of Administration through FACS with no additional costs to the user agencies.
4. Participating agencies - state agencies which participate in this program may incur additional costs from two sources:
 - (a) Additional costs for rebidding items when no responsible small/minority bidders respond. It is anticipated that these costs can be borne by the agency and/or Central Purchasing.
 - (b) Higher unit costs may be incurred in those instances where the small/minority business cannot offer the discounts that larger vendors can offer as a result of volume buying and economies of scale. The frequency, magnitude, product areas, and agencies affected cannot be determined at this time. Illinois, which has implemented a similar program, reports that costs on commodities have remained relatively constant while costs of services (e.g. janitorial) have decreased. The Central Purchasing Office projects an increase at 30 percent.
5. Small/Minority vendors - vendors who choose to participate will be required to submit bids in accordance with regular Division of Administration procedures. For vendors who have not previously done business with the state, these procedures will entail additional administrative expenses and paperwork, the extent of which will vary by the nature and magnitude of the bid.

The benefit to be realized by small/minority businesses will be 10 percent of specified state purchasing. For FY 80-81, the maximum amount to be set aside is estimated at \$10.8 million based on April 1 implementation. It is not expected that the full amount will be awarded due to required start-up time and previous contractual commitments. The projected set-aside for FY 81-82 is \$47.5 million.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

This program is expected to increase employment among small/minority businesses by increasing the volume of state purchasing available to them. This increased employment can be expected through both the expansion of existing businesses and the development of new ones. The program will also enhance the competitive posture of these businesses by providing assistance in, and entrance to, the State Purchasing System.

From the opposing perspective, the program will reduce competition for state contracts by earmarking 10 percent of such purchases for small/minority businesses. Although it is impossible to project the precise impact on employment and competition, it is expected that there will be a net increase in employment since the loss of at most 10 percent of state purchasing will have a less serious impact on large vendors and will not necessitate significant reductions in personnel among such vendors.

E. L. Henry
Commissioner of Administration

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Social Work Examiners**

The Louisiana State Board of Board Certified Social Work Examiners will hold an open meeting on March 27, 1981 in the Degas Room of the Holiday Inn South, 9940 Airline Highway, Baton Rouge, Louisiana, at 6 p.m. to review the Rules and Regulations and Rules for Practice for Louisiana Board Certified Social Workers. For further information, contact the Board at: Box 44096, Baton Rouge, Louisiana or at 504-673-3010.

Betty M. Spencer, BCSW
Chairperson

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

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The estimated implementation costs include the cost of legal counsel in development of the rules, clerical services and cost of dissemination of the rules.

Legal fees	\$1,000.00
Publications and Mailing (Postage)	\$1,000.00
Clerical services	500.00
	\$2,500.00

The Board has sufficient funds to continue its functioning in accordance with the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Implementation of attached rules will not have any effect on revenue collection.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The proposed action will allow all applicants for licensure, all licensees, and the general public to be aware of all Board rules and regulations. Official adoption of the rules will thus afford better protection of the public and will standardize all policies affecting licensees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Suzanne L. Pevey
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Nursing**

The Louisiana State Board of Nursing hereby gives notice that the Board at the February 19-20, 1981 meeting intends to adopt Proposed Rules and Regulations for implementation of the Nurse Practice Act, for disciplinary proceedings; for registration and licensure; for duties of the Board directly related to nursing practice, and definition of terms applying to nursing practice.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:951-968.

Written comments may be addressed to Merlyn M. Mailian, R.N., Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana, 70112 until 4:30 p.m., February 16, 1981.

The above item has been placed on the agenda for 9:30 a.m., February 19, 1981.

Proposed Amendments to the Rules and Regulations
of the Board of Nursing

R.N. 1.05 Implementation of the Nurse Practice Act

The Louisiana Nurse Practice Act, R.S. 37:911 et seq., provides that, in order to safeguard life and health, any person practicing or offering to practice as a registered nurse in this state shall submit evidence that (s)he is qualified to do so and shall be licensed to practice as a registered nurse. The Act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office of the Board members. The duties of the Board are specified in the Act, and these duties provide for the implementation of the Nurse Practice Act through the adoption of rules and regulations.

R.N. 1.051 Officers of the Board

The officers of the Board shall consist of a President and a Secretary-treasurer.

(1) The officers of the Board shall be elected annually at the last regular meeting of the year. The candidate receiving the largest number of votes cast by Board members shall be declared elected and shall assume office when the New Business is begun at that meeting.

(2) A vacancy occurring in an office shall be filled by election to complete the unexpired term of the respective officer.

(3) The duties of the officers shall be as follows:

(a) The President shall preside at all meetings of the Board. (S)he shall appoint all standing and special committees not otherwise provided for, and perform all other duties pertaining to this office.

(b) The Secretary-treasurer shall prepare the annual budget, review financial records periodically and present a report at each regular meeting of the Board.

(c) Both the President and the Secretary-treasurer shall sign the registration certificate for each new licensee in Louisiana.

R.N. 1.052 Official Office of the Board

The domicile of the Board is Baton Rouge, Louisiana. The office for administration of Board work shall be established in the City of New Orleans.

(1) An Executive Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board.

(2) An Associate Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is administratively responsible to the Executive Director.

(3) A Nursing Practice Consultant(s), who shall be a registered nurse(s), shall be appointed by the Board to carry on the work defined by the Board. (S)he is responsible to the Executive Director.

(4) A clerical staff shall be maintained to carry on the office work.

R.N. 1.053 Meetings of the Board

Regular business meetings shall be held at the office of the Board or at a place designated by the Board.

(1) A minimum of four regular meetings shall be held each year. The annual meeting shall be held in the fall.

(2) Special meetings shall be called by the Executive Director, or a designee, at the request of the President, or upon the request of three members of the Board.

(3) Four members, including one officer, shall constitute a quorum of the Board for the purpose of conducting business.

(4) Any person wishing to have a special topic added to the agenda for a Board meeting shall notify the Executive Director, or a designee, at least twenty-one days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

(5) The Executive Director, or a designee, shall keep a record of all meetings and such records shall be retained as permanent records of the transactions of the Board.

(6) Meetings of the Board for the conduct of regular business and for the formation of policy shall be open to the public.

R.N. 1.054 Powers and Duties of the Board

R.S. 37:918 provides that the Board shall:

(1) Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this Part;

(2) Approve schools which meet the licensing requirements of the Board;

(3) Provide for hearings for nurse educational programs when approval is denied or withdrawn;

(4) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(5) Examine, license, and renew licenses of duly qualified applicants;

(6) Conduct hearings upon charges calling for discipline of a licensee;

(7) Cause the prosecution of all persons violating any provision of this Part and have the power to incur necessary expenses therefor;

(8) Keep a record of all board proceedings;

(9) Publish an annual report for distribution to the governor and the legislature;

(10) Publish an annual roster, and distribute same for professional purposes;

(11) Adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part;

(12) Employ an executive director who holds a current

Louisiana license to practice nursing as defined in this Act, and other persons necessary to carry on the work of the Board, define their duties, and fix their compensation;

(13) Appoint an attorney at law to represent it in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties;

(14) Have all other powers necessary and proper to the performance of their duties.

R.N. 1.055 Adoption of Rules and Regulations

R.S. 37:918 provides that the Board shall adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part. In promulgating rules, the Board is exercising powers that have been delegated by the Louisiana Legislature.

(1) Definition of Rules and Regulations: Statements, guides or requirements of conduct or action that are of general applicability. Rules and Regulations of the Board of Nursing implement or interpret the Nurse Practice Act or describe the organization, procedure or practice of the Board.

(2) All Rules and Regulations of the Board shall be adopted, revised or repealed in accordance with the Administrative Procedures Act, R.S. 49:951 thru 968.

(a) Except in emergency situations, the Board shall give at least fifteen days notice of its intent to adopt, revise, or repeal Rules and Regulations. The notice shall be in accordance with Statutory requirements and shall be published in the *Louisiana Register*.

(b) After adoption, and as soon as possible, the official text of the Rules and Regulations shall be submitted for publication in the *Louisiana Register*. The Rules and Regulations become effective on the date of their publication, unless otherwise specified.

(c) Any interested person may petition the Board, requesting the promulgation, revision or repeal of Rules and Regulations which would affect that person. The petition shall:

- (1) Be submitted in writing;
- (2) State the name and address of the petitioner;
- (3) Include an exact statement of the changes sought and the effect of the proposed change on existing practice;
- (4) Include data, opinions or arguments in support of request.

The Board shall act on the petition within ninety days after receiving said petition. The Board shall either deny the petition, stating reasons therefor, or shall initiate rule-making proceedings in accordance with its procedure for same.

R.N. 1.056 Declaratory Statements of the Board

The Board may issue a declaratory statement in response to a request for clarification of the effect of Rules and Regulations or of R.S. 37:911 et seq.

(1) A request for a declaratory statement is made in the form of a petition to the Board. The petition shall include at least:

- (a) The name and address of the petitioner;
- (b) Specific reference to the Statute or Rules and Regulations to which the petition relates;
- (c) A concise statement of the manner in which the petitioner is aggrieved by the Rule or Statute or by its potential application to her/him, or in which (s)he is uncertain of its effects;
- (d) A statement of whether an oral hearing is desired.

(2) Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least twenty-one days prior to said meeting.

(3) The declaratory statement of the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

R.N. 1.06 Disciplinary Proceedings before the Board

The Board of Nursing has the responsibility to consider and determine the action necessary upon all charges of conduct which fail to conform to R.S. 37:911 et seq., or to the Rules and Regulations promulgated to carry out the provisions of this Part.

R.N. 1.061 Proceedings Against a Registered Nurse

The Board may deny, revoke, or suspend any license to practice as a registered nurse or otherwise discipline a licensee in accordance with R.S. 37:921-923.

Every licensee subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the Board or its duly appointed hearing officer or committee.

A complaint that a licensee has engaged in, or is engaging in, any conduct prescribed by R.S. 37:921, may be made by any person or the Board. Such complaints shall be in writing, shall be signed, and the Board may require that the complaints be sworn to.

(1) Grounds for disciplinary proceedings against a registered nurse are specified in R.S. 37:921:

(a) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse;

(b) Is guilty of a felony;

(c) Is unfit or incompetent by reason of negligence, habit or other causes;

(d) Is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs;

(e) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part;

(f) Is mentally incompetent; or

(g) Has violated any provisions of this Part.

(2) Definition of Terms: The Board in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

(a) "Deny" means to refuse for cause.

(b) "Revoke" means to annul or make void by calling back.

(c) "Suspend" means to hold in abeyance for a definite or an indefinite period of time.

(d) "Felony" means a crime of a serious nature usually punishable by imprisonment in a state penitentiary at hard labor or by death; or a crime in violation of federal statutes in which the punishment is more than one year incarceration.

(e) "Unfit or incompetent" means unsuitable.

(f) "Negligence" means a breach of duty of care owed to a party.

(g) "Habit" means a mode of negligent behavior which a registered nurse acquires over a period of time.

(h) "Other causes" includes, but is not limited to:

(1) Failure to practice nursing in accordance with the Legal Standards of Nursing Practice as adopted by the Board.

(2) Possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing as defined in R.S. 37:913, (3).

(3) Failure to utilize appropriate judgment in administering nursing practice.

(4) Failure to exercise technical competence in carrying out nursing care.

(5) Violating the confidentiality of information or knowledge concerning the patient.

(6) Performing procedures beyond the authorized scope of nursing or any specialty thereof.

(7) Performing duties and assuming responsibilities within the scope of the definition of nursing practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty.

(8) Improper use of drugs, medical supplies, or patient's records.

(9) Misappropriating personal items of an individual or the agency.

(10) Falsifying records.

(11) Intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient.

(12) Delegating nursing care, functions, tasks, or responsibilities to others contrary to regulations.

(13) Leaving a nursing assignment without properly notifying appropriate personnel.

(14) Failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider.

(i) "Habitually intemperate or addicted" includes, but is not limited to, the abuse of narcotics, hallucinogenics, stimulants, depressants, intoxicants, or other controlled drugs which could result in behavior that interferes with the practice of nursing and the responsibilities of the licensee.

(j) "Aiding and abetting" means to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating the Nurse Practice Act or the Rules and Regulations of the Board.

(k) "Mentally incompetent" means a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

(3) The Disciplinary Process and Procedures

A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

The purpose of a disciplinary proceeding is to determine contested issues of law and fact: whether the licensee did certain acts and, if he did, whether those acts violated the Nurse Practice Act or Rules and Regulations of the Board of Nursing; and to determine the appropriate disciplinary action.

(a) Informal disposition of Complaints

Some complaints may be settled informally by the Board and the licensee, without a formal hearing. The following types of informal dispositions may be utilized:

(1) Disposition by Correspondence: For less serious complaints, the Executive Director, or a designee of the Board, may write to the licensee explaining the nature of the complaint received. The licensee's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be brought before the Board for a formal hearing.

(2) Conference or Informal Hearing: The Executive Director, or a designee of the Board, may hold a conference with the licensee, in lieu of, or in addition to correspondence, in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

The licensee shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out at the conference may later be used in a formal hearing. Board members are not involved in informal hearings.

(3) Settlement: An agreement worked out between the persons making the complaint and the licensee does not preclude disciplinary action by the Board of Nursing. The nature of the offense alleged and the evidence before the Board must be considered.

(b) Consent Order

An order involving some type of disciplinary action may be made by the Board with the consent of the licensee. A consent order requires formal consent of a quorum of the Board. It is not the result of the Board's deliberation; it is the Board's acceptance of an agreement reached between the Board and the licensee. The order is issued by the Board to carry out the parties' agreement.

(c) Formal Hearing

The Board of Nursing has the authority, granted by R.S. 37:922, to bring administrative proceedings to persons to whom it has issued a license to practice as a registered nurse. The Board and the licensee are the parties to the proceeding. The licensee has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

If the licensee does not appear, in person or through counsel, after proper notice has been given, the licensee may be considered to have waived these rights and the Board may proceed with the hearing without the presence of the licensee.

The process of a disciplinary proceeding shall include certain steps and may include other steps as follows:

(1) The Board of Nursing receives a complaint alleging that a licensee has acted in violation of the Nurse Practice Act. Communications from the complaining party shall be privileged and shall not be revealed to any person except when such documents are offered for evidence in a formal hearing and except those documents being subpoenaed by a Court.

(2) The complaint is investigated by the Board's employees to determine if there is sufficient evidence to warrant disciplinary proceedings. No Board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding, once notice of the proceeding has been served, and said member has notice thereof.

A decision to initiate formal complaint or charge is made if one or more of the following conditions exists:

(a) The complaint is sufficiently serious;

(b) The licensee fails to respond to the Board's correspondence concerning the complaint;

(c) The licensee's response to the Board's letter or investigative demand is not convincing that no action is necessary;

(d) An informal approach is used, but fails to resolve all of the issues.

(3) A sworn complaint is filed, charging the violation of one or more of the provisions of R.S. 37:921 and the specific violation thereof.

(4) A time and place for a hearing is fixed by the Executive Director or a designee of the Board.

(5) At least ten days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail to the last known address of the person accused. If the mailing is not returned to the Board, it is assumed to have been received. It is the licensee's obligation to keep the Board informed of his whereabouts.

The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

If the Board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the licensee's request, the Board shall supply a more definite and detailed statement to the licensee.

(6) Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the

time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance for due process.

(7) The Executive Director, or a designee of the Board, issues subpoenas for the Board for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

(a) A subpoena requiring a person to appear and give testimony; and

(b) A subpoena *duces tecum*, which requires that a person produce books, records, correspondence, or other materials over which he has control.

A motion to limit or quash a subpoena may be filed with the Board, but not less than seventy-two hours prior to the hearing.

(8) The hearing is held, at which time the Board's primary role is to hear evidence and argument, and to reach a decision. Any Board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the Board members be recused for a particular proceeding, the Governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

The Board is represented by its staff or other personnel who conducted the investigation and presents evidence that disciplinary action should be taken against the licensee, and by the Board's attorney. The licensee may present evidence personally or through an attorney, and witnesses may testify in behalf of the licensee.

Evidence includes the following:

(a) Oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition; (cost of the deposition is borne by requesting party)

(b) Documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports;

(c) Visual, physical and illustrative evidence;

(d) Admissions, which are written or oral statements of a party made either before or during the hearing;

(e) Facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

(9) The President of the Board presides and the customary order of proceedings at a hearing is as follows:

(a) The person presenting evidence against the licensee makes an opening statement of what (s)he intends to prove, and what action, (s)he wants the Board to take.

(b) The licensee, or her/his attorney, makes an opening statement, explaining why (s)he believes that the charges against her/him are not legally founded.

(c) The person representing the Board presents the case against the licensee.

(d) The licensee, or her/his attorney, cross-examines.

(e) The licensee presents evidence.

(f) The person who presented evidence against the licensee cross-examines.

(g) The person presenting evidence against the licensee rebuts the latter's evidence.

(h) The licensee rebuts the evidence against her/him.

(i) Both parties make closing statements. The attorney for the Board makes the final statement.

(10) Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing

may be made orally since they become part of the transcript of the proceeding.

(11) The records of the hearing shall include:

(a) All papers filed and served in the proceeding;

(b) All documents and other materials accepted as evidence at the hearing;

(c) Statements of matters officially noticed;

(d) Notices required by the statutes or rules, including notice of the hearing;

(e) Affidavits of service or receipts for mailing of process or other evidence of service;

(f) Stipulations, settlement agreements or consent orders, if any;

(g) Records of matters agreed upon at a prehearing conference;

(h) Reports filed by the hearing officer;

(i) Orders of the Board and its final decision;

(j) Actions taken subsequent to the decision, including requests for reconsideration and rehearing;

(k) A transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

(12) The decision of the Board shall be reached according to the following process:

(a) Determine the facts in the issue on the basis of the evidence submitted at the hearing.

(b) Determine whether the facts in the case support the charges brought against the licensee.

(c) Determine whether charges brought are a violation of the Nurse Practice Act or Rules and Regulations of the Board of Nursing.

The vote of the Board shall be recorded. Minority views may be made part of the record.

Sanctions against the licensee who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by mail of the decision of the Board.

(13) The Board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the Board files a petition requesting that the decision be reconsidered by the Board.

The Board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the Board's decision has been appealed.

A petition by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the Board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

(a) The Board's decision is clearly contrary to the law and the evidence.

(b) There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the Board's action.

(c) There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly.

(d) It would be in the public interest to further consider the issues and the evidence.

(d) Emergency Action

If the Board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(e) Disciplinary Proceedings in Another Licensing Jurisdiction

When a licensee whose license has been granted on the basis of interstate endorsement has her/his license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons (other than non-payment of fees) by the original licensing jurisdiction or by a subsequent licensing authority, that licensee shall be notified that her/his Louisiana license is automatically suspended.

(4) Appeal from Board Decision

Any person whose license has been revoked, suspended or denied by the Board shall have the right to have the proceedings of the Board reviewed by the court having jurisdiction over the Board, provided that such appeal is made within thirty days after the notice of the decision of the Board. If an appeal is granted, the decision of the Board is not final and, therefore, is not implemented until a decision is reached in the judicial review. The Board's decision is enforceable in the interim unless the court orders a stay.

(5) Reinstatement of License

Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure.

Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the Board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the Board to evaluate changes in the person or conditions.

R.N. 1.062 Proceedings Against a Nursing Education Program - See R.N. 2.01 (3), 2.05 (3), 2.06, 2.078 (2) (g)

R.N. 1.07 Registration and Licensure

Registration in Louisiana is mandatory for practicing as a registered nurse.

Registration and licensure as a registered nurse shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 37:920. All applicants shall meet the same standards.

The Board shall issue a certificate of registration, carrying a permanent registration number, designating the date of issuance, the authorization to practice as a registered nurse in Louisiana, and signed by the president and the secretary-treasurer of the Board, to all applicants who qualify for initial licensure.

The Executive Director, or a designee of the Board, shall record the registration of the permanent records of the Board and shall issue a license to practice, valid from the date of issuance until December 31 of that year.

R.N. 1.071 Licensure by Examination

(1) The State Board Test Pool Examination is the examination for licensure as a registered nurse.

(a) The licensing examination shall be administered by the Board of Nursing in accordance with the contract between the Board and the National Council of State Boards of Nursing, Inc.

(b) This examination shall be administered twice a year on national testing dates which are determined by the National Council of State Boards of Nursing, Inc. The dates shall be published at

least six months in advance.

(c) Each examination shall be given under the direction of the Executive Director of the Board or another designee of the Board.

(d) Individual results from the examination shall be released to individual candidates and to the director of their nursing education program. Aggregate results are published for statistical purposes.

(e) Pending adoption of the new State Board Test Pool Examination, the passing standard score shall be 350 in each of the five tests that make up the State Board Test Pool Examination. Following adoption of the new State Board Test Pool Examination, the passing standard score shall be determined by the Board.

(f) Pending adoption of the new State Board Test Pool Examination, all tests of the examination must be passed within a twenty-five month period. If, after twenty-five months, all tests have not been successfully completed, the candidate must repeat the entire examination.

(2) Requirements for eligibility to take the State Board Test Pool Examination in Louisiana include:

(a) Graduation from a school of nursing approved by the Board of Nursing in the state in which the school is located.

(b) Recommendation by the director of the school of nursing.

(c) Completion of the application form at least thirty days prior to the date set for the examination.

(d) Remittance of the required fee.

(e) Freedom from restrictions by the Board of Nursing of any state.

(f) Graduates of foreign nursing schools (except Canadian schools) must produce evidence of successful completion of the Commission on Graduates of Foreign Nursing Schools Examination.

(3) Proctoring Examinations

(a) Candidates for Louisiana licensure may write the State Board Test Pool Examination in another jurisdiction of the United States, providing arrangements are made through the Louisiana State Board of Nursing prior to the examination date and providing the Board of Nursing in that jurisdiction consents to proctor the examination. The candidates shall bear the cost charged by the proctoring board.

(b) The Louisiana State Board of Nursing will proctor examinations upon request by other state boards of nursing. Such requests shall be accompanied by the necessary forms for identification and examination required by that board. Proctoring services will be provided only at the regularly scheduled examination sessions. The proctoring fee shall be paid by the candidate and must be received by the Louisiana State Board of Nursing at least one month before the examination date.

R.N. 1.072 Licensure by Endorsement

The Board of Nursing may issue a license to practice nursing as a registered nurse in Louisiana without examination to persons who meet the requirements of R.S. 37:920, B.

(1) Requirements of the applicant for licensure by endorsement include:

(a) Must be duly licensed under the laws of another state, territory, or country; and

(b) Must have completed a nursing education program approved by the Board of Nursing, and following completion of said program,

(c) Must have successfully completed a licensing examination which is comparable to that required for licensure by examination in Louisiana at the time of applicant's graduation; and

(d) Must submit the required fee; and

(e) Must complete the required application for endorse-

ment, including the obtainment of required documents, within one year. School records submitted by the applicant or a third party will not be accepted.

(2) The Executive Director, or a designee of the Board of Nursing, is authorized to endorse an applicant provided that:

(a) All of the above requirements are unquestionably met.

(b) The applicant is not under restriction of any form by the Board of Nursing in any state where the applicant holds a license to practice nursing.

(c) There is no civil or criminal charge pending against the applicant.

(d) There is no allegation of cause for denial of licensure according to R.S. 37:921.

(3) Applicants who fail to meet same requirements under (1) above will be denied endorsement. Applicants who meet same requirements but who, for reasons listed under 2, (b), (c) or (d) above, will be considered individually by the Board of Nursing at a regular meeting. Due process will be afforded the applicant in all cases.

R.N. 1.073 Temporary Permits

In accordance with R.S. 37:920, the Board of Nursing may issue the following temporary permits to practice as a registered nurse:

(1) A working permit may be issued to graduates of approved schools pending the results of the first licensing examination scheduled by the Board following graduation.

(a) The terminology R.N. Applicant identifies those individuals who have been issued a temporary working permit. R.N. Applicant may be abbreviated as R.N. App. after signatures on records. The full spelling is required on identification pins.

(b) The temporary work permit is limited as follows:

The R.N. Applicant shall practice only in nursing situations where direct R.N. supervision is available.

The R.N. Applicant shall serve in a staff nurse position.

The R.N. Applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

(c) The working permit issued to the R.N. Applicant expires upon the R.N. Applicant's receipt of the results of the first examination after graduation.

(2) A ninety day permit to practice as a registered nurse may be issued to any nurse currently registered in another state, territory, or country, pending receipt of endorsement credentials providing that said nurse has filed a complete application for licensure by endorsement and provided that:

(a) The person provides verification of current licensure.

(b) The person resides in Louisiana and plans to work in Louisiana.

(c) There be no record of conviction or pending charge of felonious crime. If information relative to conviction of a felonious crime, or an investigation of same, is received during the ninety day permit interval, the permit will be recalled and the person's file will be presented to the Board.

(3) Graduate of foreign nursing schools, except for certain Canadian schools, are not eligible for work permits.

R.N. 1.074 Renewal of License

(1) Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the Board of changes in conditions as follows:

(a) Change of address: Notify the office of the Board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the Board immediately.

(b) Change of name: If a registered nurse/candidate for

registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the Board. A copy of the marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on Board records.

(2) Requirements for renewal of license include:

(a) Completion of application form, including statistical information.

(b) Payment of fee.

(c) Evidence of meeting other requirements for special categories of nursing practice, such as requirements for Advanced Practitioners of Nursing.

(3) A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided that no criminal charge is under adjudication.

R.N. 1.075 Change of Status

(1) A registrant who is no longer practicing as a registered nurse, may, by submitting a written notice to the Board, be granted nonpracticing status. No annual renewal nor fee is required of a person in nonpracticing status.

(2) A person who holds nonpracticing status may resume practicing status by submitting a completed application form, paying the required fee and meeting all other requirements for licensure renewal.

R.N. 1.076 Verification of Licensure

(1) Registered nurses shall show their license upon the request to do so by their employer or by a consumer of their practice.

(2) If there is any suspicion relative to the validity of a license, the office of the Board may be called to verify current licensure. Only the correct spelling of the name of the person in question is necessary. The only information given by telephone by the office of the Board is whether or not the person in question holds a current license to practice as a registered nurse and the address of the individual.

(3) Before employing a person as a registered nurse, current licensure should be verified by inspection of the document or by calling the office of the Board. Failure to do so may result in aiding and abetting an unlicensed person to practice nursing in violation of the law.

(4) Annually, immediately after December 31, current licensure of registered nurses should be verified by directors of nursing or supervisors. Visual inspection of the license form is necessary to ascertain that the year is current. Documentation of this inspection should be maintained.

(5) Licenses should not be photocopied. In extreme cases where a photocopy is necessary, the copy should be defaced by printing "COPY" in red ink across the copy of the seal of the Board.

(6) Recordation of license number is discouraged. The number in itself does not verify current licensure, only initial registration.

(7) Lost or stolen licenses should be immediately reported to the office of the Board. Names of persons whose licenses have been lost or stolen are reported in *The Examiner*. For the remainder of the current calendar year, the valid license for the person so listed will have the word "Duplicate" on it.

R.N. 3.01 Duties of the Board Directly Related to Nursing Practice as cited in R.S. 37:918

The Board shall:

(1) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(2) Adopt, and revise rules and regulations necessary to

enable the board to carry into effect the provisions of this Part;
(3) Have all other powers necessary and proper to the performance of their duties.

R.N. 3.02 Definition of Terms Applying to Nursing Practice

(1) Terms Applying to Legal Definition of Nursing Practice, R.S. 37:913, (3).

(a) "Specialized knowledge and skills" required for the practice of nursing means the current theory and practice taught in basic nursing education programs preparing persons for R.N. licensure as well as information in the biological, physical and behavioral sciences.

(b) "Medical diagnosis" means the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

(c) "Medical prescriptions" mean medical interventions. These include all medications and medical treatments.

(d) "Assessing human responses" means gathering information relative to psychologic, behavioral, sociologic, spiritual and environmental impairments and strengths of an individual by means of the nursing history, physical examination, and observation, in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(e) "Case Finding" means identifying human responses which indicate existing or potential unwellness.

(f) "Health instruction" means those nursing measures that provide health information and explanation.

(g) "Health counseling" means those nursing measures that assist an individual in analyzing his/her health status, formulating health goals and planning activities to reach these goals.

(h) "Care supportive to or restorative of life and well-being" means activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(i) "Executing medical regimes as prescribed by a licensed physician or dentist" means carrying out the medical orders of a physician or dentist licensed in Louisiana.

(j) "Supervision and instructions of personnel associated with nursing functions" means those activities which serve to fulfill the accountability of the registered nurse for the total nursing care of the individual when tasks in the nursing care are delegated to other nursing personnel. These activities include:

(1) Judging the priority of nursing needs of the individual(s);

(2) Determining actions required to meet the needs;

(3) Assigning personnel, including self, qualified to implement the prescribed nursing care or components of that care;

(4) Providing information needed by personnel for the implementation of the assigned nursing care and ascertaining the assimilation of same information;

(5) Directing the nursing care and evaluating the outcomes of that care;

(6) Determining and initiating changes in nursing care or in assignment of nursing personnel.

(k) "Additional acts" means activities beyond those taught in basic nursing education programs. Additional acts are authorized by the Board through rules and regulations or declaratory statements interpreting the legal definition of nursing.

(l) "Delegation of nursing functions" means entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered

nurse retains the accountability for the total nursing care of the individual.

1) Any situation where tasks are delegated should meet the following criteria:

a) The person has been adequately trained for the task.

b) The person has demonstrated that the task has been learned.

c) The person can perform the task safely in the given nursing situation.

d) The patient's status is safe for the person to carry out the task.

e) Appropriate supervision is available during the task implementation.

f) The task is in an established policy of the nursing practice setting and the policy is written, recorded and available to all.

2) The registered nurse may delegate to licensed practical nurses the major part of the nursing care needed by individuals in stable nursing situations, i.e., when the following three conditions prevail at the same time in a given situation:

a) nursing care ordered and directed by RN/MD requires abilities based on a relatively fixed and limited body of scientific fact and can be performed by following a defined nursing procedure with minimal alteration, and responses of the individual to the nursing care are predictable;

b) change in the patient's clinical conditions is predictable; and

c) medical and nursing orders are not subject to continuous change or complex modification.

In complex (unstable) situations, the registered nurse may utilize the expertise of the licensed practical nurse by delegating selected tasks.

3) Contingent upon the registered nurse's evaluation of each patient's condition and also upon the registered nurse's evaluation of the competency of each unlicensed personnel, registered nurses may delegate non-complex tasks to unlicensed personnel.

(2) "Student nurse" means a person who is engaged in learning experiences in a program of study leading to candidacy for licensure to practice as a registered nurse. The term applies only when the person is participating in an integral part of the program of study, and not when that person is engaged in an employment situation.

(3) "R.N. Applicant" means a person who has completed the educational requirements and whose application to take the required examination for licensure as a registered nurse has been accepted by the Board.

Merlyn M. Maillian, R.N.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Implementation of Nurse Practice Act

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The estimated implementation costs include the printing and distribution of these rules and regulations and the cost of legal services to implement the disciplinary proceedings. Since there will be basically no changes in the current practices of the Board resulting from the proposed action, no other additional costs are anticipated.

Estimated costs are as follows:

1980-81 \$5,250.00

1981-82 850.00

1982-83 850.00

With the increased revenue, the agency will have sufficient funds to implement the proposed action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The only anticipated revenue is the fee collected from the sale of copies of rules and regulations. These fees are intended to partially offset the cost of printing.

Estimated revenue is as follows:

1980-81	\$300.00
1981-82	300.00
1982-83	300.00

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There is no anticipated cost to affected groups. An anticipated benefit is the information relative to practice and requirements which will be readily available in printed form to licensees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Merlyn M. Maillian
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources State Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the Board at the February 19-20, 1981 meeting intends to adopt Proposed Rules and Regulations for Advanced Practitioners of Nursing in Louisiana. This item has been placed on the agenda for 8:30 a.m. on February 19, 1981.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:951-968.

Written comments may be addressed to Merlyn M. Maillian, R.N., Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana, 70112, until 4:30 p.m., February 16, 1981.

The Board will conduct an open hearing on these Proposed Rules and Regulations at 1:00 p.m. on February 18, 1981 at the Downtown Howard Johnson's, 330 Loyola Avenue, New Orleans, Louisiana.

Oral comments will be welcomed.

Proposed Amendments to Rules and Regulations of the Louisiana State Board of Nursing Regarding Advanced Practitioners of Nursing

R.N. 3.04 *Advanced Practitioner of Nursing* is a health care provider who is currently licensed as a registered nurse in Louisiana and who, by virtue of additional educational preparation, has gained knowledge and skills in a specialty area of nursing. This educational preparation shall be fulfilled by one of the following:

- 1) A program of studies offered through an institution of higher education leading to an advanced degree in nursing (or its equivalent) and/or to national certification; or
- 2) A program of studies accredited by a nationally recognized accrediting agency which is recognized by the Louisiana State Board of Nursing.

Programs of study not meeting one of the above criteria, or in the case of questions regarding the quality of the program, said programs will be evaluated by the Louisiana State Board of Nurs-

ing prior to recognition of its graduates.

Advanced Practitioners of Nursing are authorized, within the scope of their preparation for practice, to perform advanced nursing functions.

Advanced Practitioners of Nursing shall include, but not be limited to the following:

Definition

1) *Primary Nurse Associate* (also known as nurse practitioner): A registered nurse who provides direct nursing care to individuals, families, and other groups in a variety of settings including homes, institutions, offices, industry, schools and other community agencies. The nursing service provided by the primary nurse associate is aimed at the delivery of primary acute or chronic care which focuses on the maintenance, achievement, and restoration of optimal functions in the population. The primary nurse associate engages in nursing care decision making. The primary nurse associate also participates in making decisions with other health care professionals regarding the needs of clients, and functions under the direction of a physician.

Functions

By virtue of and consistent with additional educational preparation, knowledge and clinical skills, a primary nurse associate, under the direction of a physician, may perform appropriate nursing functions, including:

- a. Assess and develop a comprehensive health data base (including the elicitation of a comprehensive health history and performance of physical assessment, using skills of observation, inspection, palpation, percussion and auscultation, as well as basic instruments and indicated screening procedures) for the purpose of reporting abnormal findings to the physician;
- b. Plan, implement and evaluate nursing care consistent with medical treatment and care prescribed by a physician;
- c. Evaluate, plan, implement, and re-evaluate nursing care of individuals requiring emergency nursing measures;
- d. Initiate or modify medical treatment when and to the extent authorized by the treating physician within established plan of medical and nursing protocol;
- e. Assist the consumer in identifying and using the community resources available for follow-up health care services;
- f. Create and maintain accurate records, appropriate legal documents and other reports of client care consistent with the law;
- g. Develop individualized client teaching plans based on assessed nursing needs;
- h. Counsel individuals, families and groups about health and illness and promote health maintenance; and
- i. Recognize, initiate and participate in the development and implementation of professional and community educational programs related to health care.

Definition

2) *Certified Nurse-Midwife*: A registered nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives, and subsequent certification by the ACNM, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

Functions

A nurse-midwife never works as an independent practitioner, but always as a member of a physician-directed health care team. She/he functions within the framework of medically approved criteria, policies and standing orders:

- a. Assume responsibility for the management and complete care of the essentially healthy woman and newborn related to the childbearing processes.

- b. Develop with the woman an appropriate plan to care attentive to her interrelated needs.
- c. Participate in individual and group counseling and teaching throughout the childbearing processes.
- d. Manage, through mutual agreement and collaboration with the physician, that part of care of medically complicated women which is appropriate to the skills and knowledge of nurse mid-wives.
- e. Collaborate with other health professionals in the delivery and evaluation of health care.
- f. Assess own professional abilities and functions within identified capabilities.
- g. Assume responsibility for own self-determination within the boundaries of professional practice.
- h. Maintain and promote professional practice in concert with current trends.
- i. Utilize Standards for Evaluation of Nurse-Midwifery Procedural Functions in development and evaluation of practice.
- j. Promote the preparation of nurse-midwifery students.
- k. Assist with the education of other health care personnel.
- l. Support the philosophy and official policies of the American College of Nurse-Midwives.

Definition

3) *Certified Registered Nurse Anesthetist*: A registered nurse who renders anesthesia care and meets the requirements of Louisiana R.S. 37:930.

Functions

A certified registered nurse anesthetist works under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the State of Louisiana:

- a. Conduct a pre-anesthesia visit and assessment with appropriate documentation.
- b. Develop an anesthesia care plan.
- c. Induce anesthesia.
- d. Maintain anesthesia at the required levels.
- e. Support life functions during the perioperative period.
- f. Recognize and take appropriate action for untoward patient responses during anesthesia.
- g. Provide professional observation and management of the patient's emergence from anesthesia.
- h. Conduct postanesthesia visit and assessment with appropriate documentation.
- i. Participate in the life support of the patient for whatever cause.

Definition

4) *Clinical Nurse Specialist*: A registered nurse holding a Master's degree in a specific area of clinical nursing. The advanced knowledge, skill and competence of this nurse is made available to the public through the provision of direct nursing care to individuals. These services are further extended through the planning, guiding and directing of care given by other nursing personnel.

Functions

The primary responsibility of the clinical nurse specialist is patient care delivery to a select population in a specialty area. The role functions of the clinical nurse specialist are: 1) direct nursing care; 2) indirect nursing care; 3) research; 4) change-agent; 5) teaching; and 6) consultation.

- a. **Direct Nursing Care**: Utilize a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, executing and evaluating those aspects of health and nursing care of individuals who require this specialized competence.
- b. **Indirect Nursing Care**: Plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions.
- c. **Research**: Create and test methods of nursing intervention and health care in the area of specialization.
- d. **Change-Agent**: Act as a catalyst and/or initiator of change by

- applying new scientific knowledge in nursing practice, disseminating new knowledge and its application in nursing practice; work with agencies or groups of health personnel to change nursing practice and the system of health care delivery.
- e. **Teaching**: Utilize theories and skills of communication and teaching-learning to increase the knowledge or functioning of individuals and groups, nursing personnel, students and other members of the health care team.
- f. **Consultation**: Act as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in nursing care.

Merlyn M. Maillian, R.N.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Advanced Practitioners of
Nursing in Louisiana**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**
Estimated implementation costs are minimal. No additional personnel will be required. Operating expenses will be approximately \$200.00 - \$350.00 annually, which includes printing and disseminating the Rules and Regulations. Professional services costs for assistance will be approximately \$150.00 for the first year and \$50.00 annually thereafter. The agency currently has sufficient funds appropriated to implement this Rule.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**
Revenue collections will not be significantly affected. An anticipated increase of ten registered nurses endorsed in Louisiana in 1981, gradually increasing to thirty in 1983 will result in additional fees collected ranging from \$250.00 to \$750.00 (based on present endorsement fee of \$25.00).
- III. **ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**
Estimated costs to registered nurses who are engaged in advanced practice are those of appropriate educational preparation and minimal cost of verification of preparation. Estimated benefits include marketability of advanced nursing skills for registered nurses and assurance to the public of appropriate preparation of nurses in advanced practice.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**
Registered nurses with appropriate preparation will be authorized to perform advanced nursing functions. It is anticipated that nursing positions will be available to any nurse seeking to practice in accordance with preparation for the types of practice. Additionally, it is anticipated that more registered nurses will be motivated to remain in Louisiana or to move to Louisiana because their advanced skills will be formally recognized.

Merlyn M. Maillian, R.N.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer.

**NOTICE OF INTENT
Department of Labor
Office of Labor**

The Office of Labor, Department of Labor, intends to adopt rules under the Administrative Procedure Act (R.S. 49:951, et seq.), for the administration of Labor Laws Relating to Employ-

ment Standards and Conditions for Minors in Louisiana (R.S. 23:151, et seq.)

It will hold a public hearing thereon on Friday, February 6, 1981, at 10:00 a.m. in the Office of Labor Conference Room, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules may be obtained from Mr. J. T. Armatta, Assistant Secretary, Office of Labor, Room 1045, Land and Natural Resources Building, 625 North Fourth Street, Box 44094, Baton Rouge, Louisiana 70804, telephone 504/342-3080, on or before said hearing date.

J. T. Armatta, Assistant Secretary
Department of Labor

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

Rule Title: Employment Standards for Minors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation cost of these regulations is the printing of two hundred copies of these regulations at 56¢ per copy for a total of \$112.00.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Basically, the revenue effect will be very little, if any, because the only monies collected will be from the general public when they request a copy of this book. The cost will be 56¢ per copy.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Basically, there will be no effect concerning any groups other than the cost of these booklets. This booklet will cost persons requesting a copy 56¢ per copy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The implementation of these rules should have no effect whatever on competition and employment.

J. T. Armatta, Assistant Secretary
Office of Labor

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

The Environmental Control Commission will hold a public hearing beginning at 10:00 a.m., February 26, 1981 in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana to consider adoption of the following revisions to the Air Program's Regulations, Sections 22.8(c), 4.14, 4.36, 6.6, 17.12, 22.3.1.1 and 22.3.1.2.

Copies of the revisions are available upon request from the Department of Natural Resources (Natural Resources Building - Sixth Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804.

B. Jim Porter,
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Air Quality Regulation Revision -
Section 17.12**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The Air Quality Division has the staff to handle the additional responsibility.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Those sources required to submit emission inventory data will absorb the cost of the cards required in the collection of this data. Cost will depend upon the number of emission sources for which data will be collected. A present estimate is ten dollars per one hundred cards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Gus Von Bodungen
Program Administrator

Mark C. Drennen
Legislative Fiscal Officer

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

The Environmental Control Commission of the Office of Environmental Affairs of the Department of Natural Resources has had the approval of the Legislative Fiscal Office that the following revisions will have no fiscal or economic impact:

- 1) Section 6.6 - Air Quality Regulation Revision
- 2) Section 4.36 - Air Quality Regulation Revision
- 3) Section 4.14 - Air Quality Regulation Revision
- 4) Section 22.8(c) - Air Quality Regulation Revision
- 5) Sections 22.2.1.1 and 22.3.1.2 - Air Quality Regulation Revision

Gus Von Bodungen, Administrator
Air Quality Division

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Supervisory Committee on
Election Campaign Finance**

In accordance with the provisions of LSA 49:951, et seq., the Louisiana Administrative Procedures Act, and Act 786 of 1980, the Election Campaign Finance Disclosure Act, the Supervisory Committee of the Election Campaign Finance Disclosure Act hereby gives notice that the Supervisory Committee will conduct a public hearing on Friday, February 6, 1981 at 10:00 a.m. in the office of the Supervisory Committee, Room 311, Capitol Annex, Baton Rouge, Louisiana.

The purpose of this hearing is to adopt and promulgate Election Campaign Finance Disclosure forms for use by candidates for political office and political committees involved in the special elections to be held on April 4, and May 16, 1981; and to adopt and promulgate explanatory information concerning the disclosure forms and the method of completing the same.

Interested persons may be heard by the Supervisory Committee at its meeting February 6, 1981.

David R. Poynter, Chairman
Supervisory Committee on
Election Campaign Finance

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

**Rule Title: Adoption of Reporting Forms
and Explanatory Material**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

It is anticipated that the rules to be adopted and promulgated will establish reporting forms only for the elections of April 4 and May 16, 1981 and therefore approximately only 100 copies of those forms will be required. The Supervisory Committee office personnel will produce the forms on copying equipment already in the possession of the office. Therefore the estimated implementation cost is approximately \$200.00.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

There will be no effect on revenue collections.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

There will be no financial cost or benefits to affected groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

Inapplicable

LaVern McDonald
Office Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
State Bond Commission**

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951 et seq., notice is hereby given that the Louisiana State Bond Commission intends to amend the Commission's rules as originally adopted on November 20, 1976, and amended as of October 20, 1978, and November 20, 1979.

The amendment will change Section 2, Part 1, relative to the time of regular Bond Commission meetings from 9:30 a.m. to 10:00 a.m.

The proposed rules will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on any working day after January 20, 1981, at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions through February 3, 1981 to Mr. Thomas D. Burbank, Jr., Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, Louisiana, 70804. Oral or written presentations may be made on February 3, 1981, at which time the State Bond Commission shall consider adopting the amendment to its rule.

The State Bond Commission shall prior to the adoption, amendment, or repeal of any rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred, as required under the provisions of Section 968 of Title 49.

At least eight working days prior to the meeting of the State Bond Commission at which a rule or rules are proposed to be adopted, amended, or repealed, notice of an intention to make an

oral or written presentation shall be given to the Director or Assistant Director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

The Commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the Commission, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Thomas D. Burbank, Jr., Director
State Bond Commission

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

Rule Title: Time change of SBC meetings

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
AGENCY - (Summary)**

This proposed rule change is not expected to result in any additional cost or savings.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -
(Summary)**

This proposed rule change will not affect revenue collections.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED
GROUPS - (Summary)**

Applicants and their representatives who formerly came to Baton Rouge the evening prior to the State Bond Commission meetings, may now be able to drive to Baton Rouge the day of the meetings and thus save lodging expenses.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

This proposed rule change will not effect competition or employment.

Thomas D. Burbank, Jr., Director
State Bond Commission

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Urban and Community Affairs
Office of Consumer Protection**

The president of the Consumer Protection Advisory Board hereby gives notice of intention to consider and give approval to amendments to Consumer Protection Rule 3:5007 - Deceptive Pricing and amendments to Consumer Protection Rules 2:2,4,9 - Administrative Rules which are proposed for adoption by the Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, at its public meeting on February 9, 1981, at 10:00 a.m. in the Mineral Board Auditorium, State Land and Natural Resources Building, Fourth and North Streets, Baton Rouge, Louisiana 70804.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended approval of the Assistant Secretary's adoption of

amendments by personally appearing at the above public meeting at the above designated time, day, and place and submitting same.

Any interested person who wishes additional information may contact Mr. Charles W. Tapp, Assistant Secretary, Office of Consumer Protection, Box 44091, Baton Rouge, Louisiana 70804.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

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

Rule Title: CPR 3:5007 - Deceptive Pricing

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
No additional implementation cost to the agency. The amended rule will be promulgated and administered within the current budget. There will be no savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is estimated there will be little if any effect on revenue collections in Louisiana since the change affects only certain specific advertising practices and has little direct impact on sales.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
No costs to affected groups. Benefits to affected groups will be fairer competition among retail food outlets. The buying public will be able to make accurate shopping comparisons by the elimination of hidden overhead costs being built in to what is now advertised as "cost" plus a surcharge.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Fairer competition among retail grocery outlets. Those grocery stores that do not use this form of advertising will be able to compete on a more equitable basis because of the absence of misleading information.

Charles W. Tapp
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: CPR 2:2,4,9 Administrative Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There would be only minor increases in workload, copying, and paper costs in implementing these changes. No additional funds would be needed to implement these changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
No revenue collections are involved.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There would be no cost to groups affected. The changes will merely provide additional information to those groups affected by rule changes of the agency.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There would be no effect on competition and employment as the changes being made are merely administrative in nature.

Charles W. Tapp
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

Department of Health and Human Resources Board of Veterinary Medicine

The examination for licensure for the State of Louisiana for Veterinary Medicine will be given on May 2 and 3, 1981, at Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana. Exams will begin promptly at 8:00 a.m. Any applicant failing to appear on time will not be examined.

Allan R. Allbritton, D.V.M.
Secretary-Treasurer

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, will hold a public hearing beginning at 9:00 a.m., January 26, 1981, in the A.D. Smith Auditorium of the State Education Building, 626 North Fourth Street, Baton Rouge, Louisiana, regarding the new rate and methodology of reimbursement to providers for Title XIX non-emergency medical transportation.

George A. Fischer, Secretary
Department of Health
and Human Resources

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 therefore; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that twenty completed claims were received during the month of January amounting to \$13,514.61 for which public hearings will be held as follows:

Tuesday, February 3, 1981 at 10:30 a.m. in the Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana to consider payment of the following claims against the fund.

80-133

Joseph S. Verdin of Grand Isle, Louisiana

Vessel: Mr. Doug, on July 1, 1980 was trawling overboard near Pelican Point when it encountered a pipe or casing, and caused damage to his vessel. Amount of claim: \$2,916.00. (Reschedule).

80-203

Louis Eschete of Grand Isle, Louisiana

Vessel: Sand Man, on October 11, 1980, while shrimping in Caminade Bay snagged four 3 x 12 x 20 long hard head timbers and destroyed his trawls. Amount of claim: \$524.31.

80-204

Louis Eschete of Grand Isle, Louisiana
Vessel: Sand Man, on October 28, 1960, while shrimping in Lake Pierre, trawl door snagged a piece of steel and damaged his trawl. Amount of claim: \$201.18.

Thursday, February 5, 1981 at 10:00 a.m. in the Police Jury Chambers, 8201 West Judge Perez Drive, in Chalmette, La. to consider payment of the following claims against the fund.
80-139

Lester C. Arcement of Lafitte, Louisiana
Vessel: Charlie's Angel, on November 1, 1980, while fishing in South Pass, dragging four trawls, encountered an unknown object, causing damage to the net. Amount of claim: \$1,000.

80-140
Lester C. Arcement of Lafitte, Louisiana
Vessel: Captain Craig, on October 20, 1980, about one mile from rocks at South Pass encountered a pipe or rig mess that was lost, causing damage to his trawl. Amount of claim: \$1,000.00.

80-141
Warren Thibodeaux of New Orleans, Louisiana
Vessel: Honey Sucker, on July 11, 1980 while trawling one mile northwest of Bayou Grande, struck a pipe and large piling damaging one trawl and chain rollers. Amount of claim: \$600.00. (Reschedule).

80-142
Warren Thibodeaux of New Orleans, Louisiana
Vessel: Honey Sucker, on June 14, 1980 while trawling two miles northeast of Battledore Reef in Breton Sound struck a submerged pipe damaging trawl. Amount of claim: \$600.00. (Reschedule).

80-143
Warren Thibodeaux of New Orleans, Louisiana
Vessel: Honey Sucker, on August 4, 1980 while trawling off Main Pass in the Gulf, struck a submerged pipe casing, damaging trawl. Amount of claim: \$450.00. (Reschedule).

80-183
William L. Guerra of St. Bernard, Louisiana
Vessel: Kentucky Girl, on October 14, 1980 in Lake Machias, while trawling encountered a piling causing damage to his net. Amount of claim: \$601.00.

80-194
Timothy Maise of Lafitte, Louisiana
Vessel: Moonlight Lady, on October 22, 1980, while drifting in Rattle Snake Bayou, encountered an unknown obstruction causing damage to the bottom of the vessel. Amount of claim: \$546.35.

80-199
Bernard John Welb of New Orleans, Louisiana
Vessel: Miss Judy, on November 9, 1980 while trawling in Lake Pontchartrain, approximately fourteen feet of water, hooked upon an airplane engine causing damage to his trawl and net. Amount of claim: \$378.68.

80-205
G. S. Adams & Sons of Lafitte, Louisiana
Vessel: Night Walker, on November 17, 1980 about one/one-fourth mile off the beach, off Grand Isle, encountered an unknown obstruction causing damage to the boards and trawls. Amount of claim: \$5,000.00. (Actual damages): \$7,929.22.

80-208
Joseph Rogers, Jr., of Lafitte, Louisiana
Vessel: Hulk, on December 4, 1980 about three hundred feet off the beach of Bayou La Mer encountered an unknown

submerged object that caused damage to his trawl and related gear. Amount of claim: \$228.09.

Tuesday, February 17, 1981 at 11:00 a.m. in the Cameron Parish Courthouse Building in Cameron, Louisiana to consider payment of the following claims against the fund.
79-025

Wallace L. Styron of Cameron, Louisiana
Vessel: M/V Big Boy, on October 5, 1979 about three-eighths of a mile from the beach, south of a tank, approximately two and one-half miles west of Cameron Jetties, hung on a cresote piling and caused damage to nets and tickler chain. Amount of claim: \$512.00

79-026
Wallace L. Styron of Cameron, Louisiana
Vessel: M/V Big Boy, on October 10, 1979, approximately one and five-eighths miles from the beach, four miles west of Cameron Jetties, encountered a sack of cement causing damage to three nets. Amount of claim: \$2,023.00.

Thursday, February 19, 1981 at 10:30 a.m. in the Louisiana Cooperative Extension Service Office, 511 Roussel Street, Houma, Louisiana to consider payment of the following claims against the fund.
79-058

Houston Trahan of Chauvin, Louisiana
Vessel: Rebecca Lynn, in October, 1979, while trawling, encountered underwater pipes and piling causing damage to his trawl, boards, ropes, and chains. Amount of claim: \$4,600.00. (Reschedule).

80-090
Charles R. Jumonville of Patterson, Louisiana
Vessel: David J, on May 10, 1980 while dragging for shrimp in the Gulf of Mexico, encountered a metal object about eight feet by sixteen feet, with four legs about eight feet high, greenish in color and a flat iron roof, causing damage to his trawl and related gear. Amount of claim: \$1,025.51. (Reschedule).

80-093
Archie A. Dufrene of Houma, Louisiana
Vessel: Lady Lola, on April 25, 1980 while trawling in West Point of Pass Desiltes when it encountered underwater piping that caused damage to his net. Amount of claim: \$1,500.00.

80-114
Houston Trahan of Chauvin, Louisiana
Vessel: Rebecca Lynn, on June 18, 1980 in Terrebonne Bay at end of Bay and St. James Parish encountered two drums welded together, causing damage to his cable, tickle chain and net. Amount of claim: \$307.00. (Reschedule).

80-165
Houston Trahan of Chauvin, Louisiana
Vessel: Rebecca Lynn, on September 19, 1980, northwest side of Terrebonne Bay when it encountered some underwater piling causing damage to his fifty foot trawl. Amount of claim: \$396.25. (Reschedule).

Any written objections to these claims must be received by the close of business February 2, 1981 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.
Secretary

POTPOURRI

Department of Natural Resources Office of Environmental Affairs

The Louisiana Department of Natural Resources, Office of Environmental Affairs, Division of Water Pollution Control, hereby gives notice that it will hold a public hearing as required under 40 CFR, Part 25, of the public participation regulations. The meeting will be held at 10:00 a.m. on Friday, February 27, 1981, in the State Lands and Natural Resources Building, Mineral Board Conference Room, 625 North Fourth Street, Baton Rouge, Louisiana. This will be the final hearing to present the Louisiana Water Quality Management Plan and integral appendices. These appendices include the following documents:

Atchafalaya Basin Plan - Phase II; Barataria Basin Plan - Phase II; Calcasieu Basin Plan - Phase II; Pontchartrain Basin Plan - Phase II; Mermentau-Vermilion-Teche Basin Plan - Phase II; Lower Mississippi Basin Plan - Phase II; Ouachita Basin Plan - Phase II; Pearl Basin Plan - Phase II; Red Basin Plan - Phase II; Sabine Basin Plan - Phase II; Terrebonne Basin Plan - Phase II; Evaluation of Nonpoint Sources of Pollution in Louisiana; Environmental Information Report of Louisiana WQM Plan; Louisiana Water Quality Standards (as amended 5/17/79); Louisiana WQM Planning Public Participation Guidelines; and Louisiana Designated Water Quality Management Agencies.

Copies of the Louisiana Water Quality Management Plan and Appendices are available for inspection at the main offices of each parish library, regional planning and development offices and the main and regional offices of the Office of Environmental Affairs.

Regional Planning and Development Offices:

Capitol Region Planning Commission, 333 North Nineteenth Street, Baton Rouge, Louisiana 70821

Coordinating and Development Council of Northwest Louisiana, 3305 Mansfield Road, Shreveport, Louisiana 71103
Evangeline Economic Development District, 501 St. John Street, Lafayette, Louisiana 70502

Imperial-Calcasieu Regional Planning and Development Commission, 326 Pujo Street, Lake Charles, Louisiana 70602

Kisatchie-Delta Regional Planning and Development District, Inc., 1220 MacArthur Drive, Alexandria, Louisiana 71301
North Delta Regional Planning and Development District, Inc., 2115 Justice Street, Monroe, Louisiana 71201

Regional Planning Commission for Jefferson, Orleans, St. Bernard, and St. Tammany Parishes, 333 St. Charles Avenue, New Orleans, Louisiana 70130

South Central Planning and Development Commission, 110 Burns Plaza, Thibodaux, Louisiana 71301

Regional Locations:

Office of Environmental Affairs, Southwest Regional Office, Box 3047, Lake Charles, Louisiana 70601

Office of Environmental Affairs, Northeast Regional Office, Box 8475, Monroe, Louisiana 71203

Office of Environmental Affairs, Northwest Regional Office, Box 739, Shreveport, Louisiana 71162

Office of Environmental Affairs, Capitol Regional Office, Florida Blvd., Suite 201, Baton Rouge, Louisiana 70806

Office of Environmental Affairs, Box 60630, New Orleans, Louisiana 70160

This report, along with the revised appendices, will form the basis for the state to implement a program directed at improving and/or monitoring the quality of the waters of the state while taking into consideration the effects of both point and nonpoint source discharges and planned or projected development and growth within the water quality management planning basins of the State of Louisiana.

All interested persons will be afforded an opportunity to submit comments and views on the Louisiana Water Quality Management Plan and the above appendices. Oral and written comments will be accepted at the hearing. Those desiring to submit written comments other than at the hearing should so within ten days of the hearing. Written comments should be directed to the following address: Mr. J. Dale Givens, Administrator, Division of Water Pollution Control, Box 44066, Baton Rouge, Louisiana 70804.

J. Dale Givens

Division of Water Pollution Control

POTPOURRI

Department of the Treasury State Employees' Retirement System

Regular meetings of the Board of Trustees of the Louisiana State Employees' Retirement System shall be held monthly at the time and place determined by the Board. The Board has determined that these meetings will commence at 9:00 a.m. on the second Wednesday of each month and shall be held at 502 North Seventh Street, Baton Rouge, Louisiana, in a Board room located on the second floor. All meetings of the Board are open to the public.

The Board of Trustees reserves the right to declare a different time or place for its monthly meetings, but should a different time or place be selected, written public notice will be given no later than twenty-four hours before the meeting.

Vernon L. Strickland

Director

Errata

ERRATA

Department of Health and Human Resources Board of Nursing

Changes have been made in the numbering of a rule concerning legal standards of Nursing Practice published in the *Louisiana Register*, Volume 3, Number 7, July 20, 1977, pages 309-310.

Numbers of Rule read:	Numbers of Rule should have read:
3.01	3.03
3.02	3.031
3.03	3.032
3.04	3.033
3.05	3.034
3.06	3.035
3.07	3.036

Merlyn M. Maillian, R.N.

Executive Director

INDEX
(Volume 7, Number 1)

Accountants (see Commerce Department, Certified Public Accountants)

Administration, Division of (see Governor's Office)

Agriculture Department:

- Dairy Stabilization Board, 12N
- Horticulture Commission, 1R
- Livestock Sanitary Board, 2R
- Apprenticeship standards, 8R

BESE, Board of Elementary and Secondary Education (see Education)

Certified Public Accountants, Board of (see Commerce Department)

Civil Service Department:

- Ethics for Elected Officials, Board of, 2R

Colleges and Universities, Board of Trustees for (see Education)

Commerce Department:

- Certified Public Accountants, Board of, 13N
- Consumer Protection, Office of, 35N

Corrections Department:

- Secretary, Office of, 6R

Dairy Stabilization Board (see Agriculture Department)

Drugs:

- Maximum Costs for drugs, 7R

Education:

- Colleges and Universities, Board of Trustees for State:
 - Athletic eligibility, 14N
- Elementary and Secondary Education, Board of:
 - Bulletins and Regulations, 6R
 - Certification of Paraprofessionals, Standards for, 14N
 - Certification of School Personnel, Standards for State (Bulletin 746), 6R
 - School buses, minimum standards for, 6R
 - Speech therapists, 6R

Ethics, Board of for Elected Officials, 2R

Executive Orders:

- DCT 80-21—Responsibility for State Buildings and Grounds, 1

Family Security, Office of (see Health and Human Resources Department)

Governor's Office:

- Administration, Division of:
 - Capital Outlay Budget Request Procedures, 6R
 - Minority business, 15N
 - Travel Regulations, (PPM No. 49 Revised), 7R
 - Vehicles, state-owned (PPM No. 63 Revised), 15N

Health and Human Resources Department:

- Family Security, Office of:
 - Energy assistance program, 7R
 - Increases in AFDC and GA programs, 1ER
 - Maximum allowable costs list, 7R
 - Medically Needy Standards, 7R
 - Non-emergency transportation, 36P
 - Mentally retarded, incentive factor, 1ER
 - Vendor payments for emergency services, 7R
- Nursing, Board of:
 - Advanced Practitioners of Nursing, 32N
 - Legal Standards, changes in numbering, 38E
 - Nurse Practice Act, 25N
- Social Work Examiners, Board of Certified:
 - Meeting on Rules, 24N
- Veterinary Medicine, Board of, 36P

Labor Department:

- Labor, Office of, 8R, 33N

Livestock Sanitary Board (see Agriculture Department, Animal Health Services)

Minority Business, 15N

Natural Resources Department:

- Environmental Affairs, Office of, 34N, 10R, 11R, 12R, 38P
- Fishermen's Gear Compensation Fund, 36P

Policy and Procedure Memoranda, PPM No. 49

- Travel Regulations, 7R, PPM No. 63, 15N

Prisons:

- Mattress standards, 12R

Public Safety Department:

- State Fire Marshal, Office of, 12R

Supervisory Committee on Campaign Finance, 34N

Travel Regulations, PPM No. 49, 7R

Treasury Department:

- State Bond Commission, 35N, 12R
- State Employees Retirement System, 38P

Urban and Community Affairs, Department of:

- Consumer Protection, Office of, 35N

CR—Committee Report
E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule